

### LODI CITY COUNCIL

Carnegie Forum 305 West Pine Street, Lodi

### **AGENDA – REGULAR MEETING**

Date: February 6, 2013

Time: Closed Session 6:00 p.m.

Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl, City Clerk Telephone: (209) 333-6702

**6:55 p.m.** <u>Invocation/Call to Civic Responsibility</u>. Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

<u>NOTE</u>: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

- C-1 Call to Order / Roll Call
- C-2 Announcement of Closed Session
  - Actual litigation: Government Code §54956.9; One Application; <u>Paul Blandford v. City of Lodi</u>;
     WCAB Case No. ADJ8055791 10/05/11
  - b) Conference with Dean Gualco, Human Resources Manager, and Rad Bartlam, City Manager (Labor Negotiators), Regarding Unrepresented Executive Management Electric Utility Director, Lodi City Mid-Management Association, AFSCME General Services, and International Brotherhood of Electrical Workers Regarding Electric Utility Pay and Benefits Pursuant to Government Code §54957.6
- C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

- C-4 Return to Open Session / Disclosure of Action
- A. Call to Order / Roll Call
- B. Presentations
  - B-1 Presentation of California Water Environment Association Awards for 2012 Plant of the Year and 2012 Collection System of the Year (PW)
- C. Consent Calendar (Reading; Comments by the Public; Council Action)
  - C-1 Receive Register of Claims in the Amount of \$10,677,566.84 (FIN)
  - C-2 Approve Minutes (CLK)
    - a) January 15, 22, and 29, 2013 (Shirtsleeve Sessions)
    - b) January 16, 2013 (Regular Meeting)
  - C-3 Report of Sale of Surplus Equipment (PW)
  - C-4 Accept the Quarterly Investment Report as Required by the City of Lodi Investment Policy (CM)
  - C-5 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)
- Res. C-6 Accept Improvements Under Contract for Water Meter Program Phase 2 and Adopt Resolution Appropriating Funds (\$850,000) (PW)

- Res. C-7 Adopt Resolution Authorizing the City Manager to Execute Purchase Order and Amendment No. 1 to Professional Services Agreement with National Meter and Automation, Inc., of Santa Rosa, for Purchase of Meter Assemblies and Field Documentation (\$1,800,000) (PW)
- Res. C-8 Adopt Resolution Authorizing the City Manager to Execute Contract for Zupo Field Outfield Wall Renovation Project with Golden Bay Fence, Inc., of Stockton (\$23,120.94), and Appropriating Funds (\$25,000) (PW)
- Res. C-9 Adopt Resolution Approving Amendment No. 1 to Amended and Restated Project Agreement No. 5 Between and Among the Transmission Agency of Northern California and its Participating Members and Authorizing Execution by the City Manager (EUD)
  - C-10 Authorize the City Manager to Execute an Assignment for City of Lodi and Delirium Fitness, LLC for Use of 125 North Stockton Street (CM)
- Res. C-11 Adopt Resolution of Intent to Vacate the 200 Block of West Walnut Street Between Church Street and Pleasant Avenue and Set Public Hearing for February 20, 2013 (PW)

### D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3l). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

- E. Comments by the City Council Members on Non-Agenda Items
- F. Comments by the City Manager on Non-Agenda Items

### G. Public Hearings

Res. G-1 Public Hearing to Consider the Certification of the Final Negative Declaration and Adoption of the Lodi Land Use Development Code and Draft Zoning Map (CD)

### H. Communications

- H-1 Appointments to Lodi Animal Advisory Commission and Senior Citizens Commission (CLK)
- H-2 Post for One Expiring Term on the Lodi Improvement Committee and One Vacancy on Lodi Arts Commission (CLK)
- H-3 Confirm Annual Appointment of City Council Members on Various Boards, Committees, and Commissions (CLK)
- H-4 Receive Biennial Report Regarding AB1234 Mandatory Ethics Training (CLK)

### I. Regular Calendar

Ord. I-1
Introduce Ordinance Amending Lodi Municipal Code Chapter 13.08 – Water Services – by Repealing and Reenacting Section 13.08.130, "Oversized Mains"; Amending Chapter 13.12 – Sewer Service – by Repealing and Reenacting Section 13.12.180, "Domestic System Service Charges"; Adding Section 13.12.181, "Domestic Sewer Service Charges (Metered Accounts)"; and Repealing and Reenacting Section 13.12.190, "Domestic System Capacity or Impact Fees"; Repealing and Reenacting Section 13.12.370, "Reimbursement – Oversize Mains"; Repealing and Reenacting Chapter 15.64 – Development Impact Mitigation Fees – in its Entirety; Amending Chapter 16.24 – Improvements – by Repealing and Reenacting Section 16.24.040, "Streets"; and Further Amending Chapter 16.40 – Reimbursements for Construction – by Repealing and Reenacting Sections 16.40.010, "Findings and Purpose," and 16.40.020, "Improvements to be Reimbursed" (PW)

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J.	Ordinances -	None
J.	Orumanices –	INOLIG

Pursuant to Section	n 54954.2(a)	of the Govern	ment Code o	of the State	of California,	this agenda	was posted a	t least
72 hours in advance	e of the sched	luled meetina	at a public pla	ace freely a	ccessible to th	ne public 24 h	ours a dav.	

Randi Johl	 	
City Clerk		

### **AGENDA ITEM B-01**



AGENDA TITLE: Presentation of California Water Environment Association Awards for 2012 Plant of

the Year and 2012 Collection System of the Year

**MEETING DATE:** February 6, 2013

PREPARED BY: Public Works Director

**RECOMMENDED ACTION**: Presentation of California Water Environment Association awards

for 2012 Plant of the Year and 2012 Collection System of the Year.

**BACKGROUND INFORMATION**: A representative from the California Water Environment Association

(CWEA) Northern San Joaquin Section (NSJS) will present two awards to the City for accomplishments at the White Slough Water

Pollution Control Facility (WSWPCF) and the City's collection system.

Established in 1929, CWEA's awards program has grown to acknowledge outstanding achievement in more than 20 categories honoring exceptional California water environment professionals, collection systems, and treatment plants. The program seeks to recognize outstanding achievements within the water environment field, improve the professional status of all personnel working in the field, and stimulate public awareness of the importance of wastewater treatment to public health and the water environment. The Northern San Joaquin Section includes agencies within Amador, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne counties.

WSWPCF competed with other facilities with flows between five and 20 million gallons daily for 2012 NSJS Plant of the Year. Criteria for this award included facility accomplishments, permit compliance, benchmarking, process control, pretreatment strategy, biosolids processes, training and safety, innovations and control, and maintenance strategy. By winning the NSJS award, WSWPCF is eligible to compete for the statewide award.

The City of Lodi was among facilities nominated for 2012 NSJS Collection System of the Year for small collection systems (less than 250 miles). Criteria for this award included regulatory compliance; administrative procedures; maintenance, safety and training programs; emergency procedures; and significant accomplishments over the past year. By winning the NSJS award, the City is eligible to compete for the statewide award.

FISCAL IMPACT:	Not applicable.
FUNDING AVAILABLE:	Not applicable.
	F. Wally Sandelin Public Works Director
Prepared by Karen Honer, Wastewate FWS/KH/pmf	er Plant Superintendent
AP	PROVED:Konradt Bartlam, City Manager

### **AGENDA ITEM C-01**



APPROVED:

AGENDA TITLE:	Receive Register of Claims through January 17, 2013 in the Total Amount of \$10,677,566.84.					
MEETING DATE:	February 6,	2013				
PREPARED BY:	Financial Se	ervices Manager				
RECOMMENDED AC	CTION:	Receive the attached Register of Claims for \$10,677,566.84.				
BACKGROUND INFO	ORMATION:	Attached is the Register of Claims in the amount of \$10,677,566.84 through 01/17/13. Also attached is Payroll in the amount of \$1,189,540.96.				
FISCAL IMPACT:	Not a	applicable.				
FUNDING AVAILABL	LE: As po	er attached report.				
		Ruby R. Paiste, Financial Services Manager				
RRP/rp						
Attachments						

Konradt Bartlam, City Manager

		Accounts Payable Council Report	<del>-</del>	- 1 - 01/23/13
As of Thursday	Fund	Name	Amount	
01/17/13	00100	General Fund	1,765,181.53	
		Vehicle Replacement Fund	49,146.44	
	00123	Info Systems Replacement Fund	7,442.50	
		Electric Utility Fund	6,004,855.60	
		Utility Outlay Reserve Fund	910.15	
		Public Benefits Fund	27,546.92	
		Solar Surcharge Fund	150,000.00	
		Waste Water Utility Fund	37 <b>,</b> 924.78	
		Waste Wtr Util-Capital Outlay		
		Waste Water Capital Reserve Water Utility Fund	2,250.00 76,262.40	
		Water Utility Fund Water Utility-Capital Outlay	962,918.16	
		Library Fund	13,903.07	
		Asset Seizure Fund	1,999.00	
		Local Law Enforce Block Grant		
		LPD-Public Safety Prog AB 1913		
		Internal Service/Equip Maint		
		Employee Benefits	531,362.97	
		General Liabilities	2,390.35	
	00310	Worker's Comp Insurance	26,243.15	
	00321	Gas Tax-2105,2106,2107	6,511.91	
	00322	Gas Tax -2103	210.79	
		Measure K Funds	51,992.31	
		IMF(Regional) Streets	978.73-	
		IMF-Regional Transportation		
		Comm Dev Special Rev Fund	1,788.35	
		Parks, Rec & Cultural Services		
		H U D	42,365.72	
		L&L Dist Z1-Almond Estates L&L Dist Z2-Century Meadows I	352.80 309.49	
		L&L Dist Z4-Almond North	67.14	
		L&L Dist Z5-Legacy I, II, Kirst	506.79	
		L&L Dist Z6-The Villas	437.48	
		L&L Dist Z8-Vintage Oaks	201.42	
		L&L Dist Z13	30.97	
		L&L Dist Z15-Guild Ave Indust.	29.90	
	01211	Capital Outlay/General Fund	429,533.29	
	01212	Parks & Rec Capital	194.82	
	01214	Arts in Public Places-IMF	1,750.00	
		LTF-Pedestrian/Bike	2,985.95	
		Dial-a-Ride/Transportation	135,173.87	
		Transit Capital	71,497.77	
	01410	Expendable Trust	30,726.50	
Sum			10,667,895.01	
	00184	Water PCE-TCE-Settlements	210.00	
	00190	Central Plume	9,461.83	
Sum			9,671.83	
Total				

Total

As of Thursday	Fund	Name	Accounts Council	-	Page Date Amount	- 2 - 01/23/13
Sum					10,677,566.84	

			Council Report for Payroll	Page	- 1
				Date	- 01/23/13
	Pay Per	Co	Name		Gross
Payroll	Date				Pay
Regular	01/06/13	00100	General Fund		690,216.72
		00160	Electric Utility Fund		145,279.26
		00161	Utility Outlay Reserve Fund		6,253.07
		00164	Public Benefits Fund		3,405.40
		00170	Waste Water Utility Fund		127,837.65
		00180	Water Utility Fund		15,220.97
		00210	Library Fund		45,370.92
		00235	LPD-Public Safety Prog AB 1913		1,455.33
		00239	CalGRIP		4,628.09
		00260	Internal Service/Equip Maint		15,808.56
		00270	Employee Benefits		2,955.89
		00321	Gas Tax-2105,2106,2107		31,920.16
		00340	Comm Dev Special Rev Fund		22,875.01
		00347	Parks, Rec & Cultural Services		69,485.66
		01250	Dial-a-Ride/Transportation		6,828.27
Pay Period	Total:				
Sum				1	,189,540.96

### **AGENDA ITEM C-02**

IIVI								
AGENDA TITLE:	Approva) b) c) d)	Janua Janua Janua	Minutes lanuary 15, 2013 (Shirtsleeve Session) lanuary 16, 2013 (Regular Meeting) lanuary 22, 2013 (Shirtsleeve Session) lanuary 29, 2013 (Shirtsleeve Session)					
MEETING DATE:	Februa	ary 6, 20	013					
PREPARED BY:	City C	lerk	·k					
RECOMMENDED ACTION: Approa a) b) c) d)			ve the following minutes as prepared: January 15, 2013 (Shirtsleeve Session) January 16, 2013 (Regular Meeting) January 22, 2013 (Shirtsleeve Session) January 29, 2013 (Shirtsleeve Session)					
BACKGROUND INFORMATION:			Attached are copies of the subject minutes marked Exhithrough D, respectively.	ibit A				
FISCAL IMPACT: None.								
FUNDING AVAILABLE: None		None i	required.					
			Randi Johl City Clerk					
Attachments								

Konradt Bartlam, City Manager

APPROVED: \_\_\_\_

### LODI CITY COUNCIL SHIRTSLEEVE SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, JANUARY 15, 2013

The January 15, 2013, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl City Clerk

# LODI CITY COUNCIL REGULAR CITY COUNCIL MEETING CARNEGIE FORUM, 305 WEST PINE STREET WEDNESDAY, JANUARY 16, 2013

- C-1 Call to Order / Roll Call N/A
- C-2 Announcement of Closed Session N/A
- C-3 Adjourn to Closed Session N/A
- C-4 Return to Open Session / Disclosure of Action N/A
- Call to Order / Roll Call

The Regular City Council meeting of January 16, 2013 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Absent: Council Member Mounce

Also Present: Deputy City Manager Ayers, City Attorney Schwabauer, and City Clerk Johl

- B. Presentations None
- C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

#### <u>VOTE</u>

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and

Mayor Nakanishi Noes: None

Absent: Council Member Mounce

C-1 Receive Register of Claims in the Amount of \$8,959,744.93 (FIN)

Claims were approved in the amount of \$8,959,744.93.

### C-2 Approve Minutes (CLK)

The minutes of December 18, 2012 (Shirtsleeve Session), December 19, 2012 (Regular Meeting), December 25, 2012 (Shirtsleeve Session), January 1, 2013 (Shirtsleeve Session), January 2, 2013 (Regular Meeting), and January 8, 2013 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount Transformers (EUD)

Approved the specifications and authorized advertisement for bids to procure polemount transformers.

C-4 Approve Specifications and Authorize Advertisement for Bids for 2013 GrapeLine Bus Stop Improvements (PW)

Approved the specifications and authorized advertisement for bids for 2013 GrapeLine Bus Stop Improvements.

C-5 Approve Specifications and Authorize Advertisement for Bids for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street (PW)

Approved the specifications and authorized advertisement for bids for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street.

C-6 Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 5 (PW)

Accepted the improvements under contract for Wastewater Main Rehabilitation Program, Project No. 5.

C-7 Adopt Resolution Approving Purchase of Primary Chain and Flight Collector Equipment for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek (\$80,000) (PW)

Mayor Nakanishi pulled this item for further discussion.

In response to Mayor Nakanishi, Public Works Director Wally Sandelin stated the flight collector equipment is replaced after approximately 45 years.

Mayor Nakanishi made a motion, second by Council Member Hansen, to adopt Resolution No. 2013-04 approving the purchase of primary chain and flight collector equipment for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek, in the amount of \$80,000.

#### VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: Council Member Mounce

C-8 Adopt Resolution Authorizing City Attorney to Amend Professional Services Agreement with NBS Government Finance Group, of Temecula, to Perform General Benefit Analysis of the City's Consolidated Landscape Maintenance Assessment District No. 2003-1 (\$10,525.15) (PW)

Adopted Resolution No. 2013-01 authorizing the City Attorney to amend Professional Services Agreement with NBS Government Finance Group, of Temecula, to perform general benefit analysis of the City's Consolidated Landscape Maintenance Assessment District No. 2003-1 in the amount of \$10,525.15.

C-9 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving 30-Minute Parking on East Side of Central Avenue, 170 Feet South of Lodi Avenue (314 South Central Avenue) (PW)

Adopted Resolution No. 2013-02 amending Traffic Resolution No. 97-148 by approving 30-minute parking on east side of Central Avenue, 170 feet south of Lodi Avenue (314 South Central Avenue).

C-10 Approve Requested Change of Grant Conditions with Valley Performing Arts (PRCS)

Approved the requested change of grant conditions with Valley Performing Arts.

C-11 Adopt Resolution Authorizing Use of Recreation Donation Funds for Skate Park Repairs and Appropriating Funds (\$6,500) (PRCS)

Adopted Resolution No. 2013-03 authorizing use of recreation donation funds for Skate Park repairs and appropriating funds in the amount of \$6,500.

C-12 Adopt Resolution Selecting Harney Lane Grade Separation as Project Nomination for San Joaquin Council of Governments' One Voice Trip (PW)

This item was pulled by Council Member Johnson who expressed his concern regarding Lodi's disproportionate share of the One Voice funding over the last ten years.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-05 selecting Harney Lane Grade Separation as project nomination for San Joaquin Council of Governments' One Voice trip.

### VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and

Mayor Nakanishi Noes: None

Absent: Council Member Mounce

D. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE
PUBLIC IS LIMITED TO FIVE MINUTES. Public comment may only be made on matters
within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City
Council Protocol Manual Section 6.3l). The Council cannot take action or deliberate on
items that are not on this agenda unless there is an emergency and the need to take
action on that emergency arose after this agenda was posted (Government Code Section
54954.2(b)(2)). All other items may only be referred for review to staff or placement on a
future Council agenda.

John Slaughterback spoke in regard to his concern about new development paying for its share of growth-related capital improvements to infrastructure.

Gordon Schmierer thanked the Public Works Department for its recent tree trimming and replacement efforts in various locations throughout the City.

Eric Vaughn spoke in regard to his concerns about graffiti removal in a timely manner and offered his assistance to help remove graffiti in the City through a volunteer effort.

E. Comments by the City Council Members on Non-Agenda Items

Mayor Nakanishi provided a brief overview of the scheduled Town Hall meetings in March, June, and September.

Council Member Hansen reported on his attendance at Capitol Day for municipal utilities and specifically discussed AB 39 funding and energy efficiency efforts.

F. Comments by the City Manager on Non-Agenda Items

None.

- G. Public Hearings None
- H. <u>Communications</u>
- H-1 Appointments to the Recreation Commission and San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee and Post for Vacancy on the Library Board of Trustees (CLK)

Mayor Nakanishi made a motion, second by Council Member Hansen, to make the following appointments and direct the City Clerk to post for one vacancy on the Library Board of Trustees:

### APPOINTMENT:

### **Recreation Commission**

David Akin, Term to expire December 31, 2016 Larry Long, Term to expire December 31, 2016

San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee Randall S. Blank, Term to expire January 31, 2016

### POSTING:

### Library Board of Trustees

Stephen Paul Mackey, Term to expire June 30, 2014

#### VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and

Mayor Nakanishi Noes: None

Absent: Council Member Mounce

### H-2 Monthly Protocol Account Report (CLK)

Mayor Nakanishi made a motion, second by Council Member Hansen, to approve cumulative Monthly Protocol Account Report through December 31, 2012.

#### VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and

Mayor Nakanishi Noes: None

Absent: Council Member Mounce

### I. Regular Calendar - None

- J. Ordinances None
- K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:27 p.m.

ATTEST:

Randi Johl City Clerk

# LODI CITY COUNCIL SHIRTSLEEVE SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, JANUARY 22, 2013

The January 22, 2013, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl City Clerk

# LODI CITY COUNCIL SHIRTSLEEVE SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, JANUARY 29, 2013

### A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 29, 2013, commencing at 7:00 a.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Pro Tempore Katzakian, and Mayor Naka

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

### B. Topic(s)

### B-1 Receive Information Regarding Future Water Utility Policy Decisions and Rates (PW)

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the water utility policies and rates. Specific topics of discussion included water service lateral maintenance, lateral installation, utility bill responsibility, lock off water service, basis of analysis, estimated 2013 water rate revenue, metered account data, estimated 2013 metered rate revenue, single-family water usage, single-family tier structure, 2013 water usage rates, monthly services charges, water rate revenue mix, future rate structure adjustments, and vacant utility rates.

In response to Council Member Hansen and Mayor Nakanishi, Mr. Sandelin stated the City's wastewater policy has existed for approximately 30 years. He stated there was no policy on water because the water was only recently disinfected thereby reducing the risk of private contractors performing the job instead of City forces.

In response to Council Member Mounce, Mr. Sandelin stated the water policy will remove discretion and clearly delineate the responsibility of the property owner versus the City with respect to laterals and the main.

In response to Council Member Hansen, Mr. Sandelin stated depending upon the service sometimes the City's fees are higher while at other times the contractors' fees are higher. Mr. Sandelin and Mr. Bartlam stated the contractors' fees with this type of service are generally lower due to scheduling and work flow considerations although the City will continue to monitor the projects for safety.

City Council Members provided general comments regarding their thoughts on billing tenants versus property owners, flat rate assessments with a true-up component, the ability to meter individual units versus single-family homes, and the intent of the water board for long-term metering purposes.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin and Mr. Bartlam stated abandoned properties and foreclosures for water lock off purposes would be similar to current electric practices for home inspection purposes.

In response to Council Member Mounce, Mr. Sandelin and Mr. Bartlam stated shut offs for electric and water would be handled simultaneously by the same individual and the costs would be split between the two utilities.

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A brief discussion ensued between Council Member Hansen and Mr. Bartlam regarding the potential effects of water shut off for foreclosure properties.

Bob Reed, consultant for Reed Group Inc., provided an overview of the status of the metering program in the City for informational purposes.

In response to Council Member Hansen, Mr. Reed stated the flat rate was tracked for historical purposes through meters that were not being charged at the metered rate during the pilot program.

In response to Council Member Mounce, Mr. Reed stated Tier 1 is not based on an individual person count per se and is instead based on winter home usage averages with a bell curve.

In response to Council Member Hansen, Mr. Reed stated most of the non-residential properties are metered and are essentially at Tier 1.

In response to Council Member Mounce, Mr. Reed stated the base charge covers the monthly service charges based on the size of the meter.

A brief discussion ensued amongst the City Council, Mr. Reed, and Mr. Sandelin regarding the typical rate setting models and methodology application for smaller and larger meter sizing while balancing rates for the various customer classes.

In response to Mayor Pro Tempore Katzakian, Mr. Reed stated in his experience reduced water consumption and conservation due to metering is permanent although there could be a swing of up to ten percent based on weather conditions, water availability, economy, and the overall demand. Mr. Reed stated the swing can be addressed through prudent policies and an adequate reserve.

Nancy Watts spoke in regard to the intent of state regulations for metering units and citizens paying for their fair share based on their usage.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:15 a.m.

ATTEST:

Randi Johl City Clerk



AGENDA TITLE: Report of Sale of Surplus Equipment

**MEETING DATE:** February 6, 2013

PREPARED BY: Public Works Director

**RECOMMENDED ACTION**: Report of sale of surplus equipment.

**BACKGROUND INFORMATION**: The Public Works Fleet Services Division oversees the removal of

vehicles and equipment from the City's fleet, provides quarterly reporting of surplus vehicles/equipment sales to the City Council, and

coordinates the disposal process and paperwork once the City Manager and the Deputy City Manager authorize the dispositions.

During the fourth calendar quarter of 2012, the City sold the following surplus vehicles/equipment through First Capitol Auctions, of Vallejo, and US Auctions, of Upland. The City received the following amount from the sale:

<u>Vehicle</u>	<u>Department</u>	Mileage/Hours	Sales Revenue
2000 Toyota Camry (001136)	Public Works	57,078	\$7,597.50
1999 Jeep Cherokee (594406)	Police	80,621	3,366.00
2005 Ford Crown Vic (133339)	Police	101,186	1,785.00
2004 Ford Crown Vic (101307)	Police	108,200	1,320.00
2005 Ford Crown Vic (133338)	Police	103,666	1,087.50
1999 Chevy 3500 Truck (082379)	PRCS	152,990	993.50
1997 Dodge 2500 Pickup (564547)	Water/Wastewater	119,033	1,691.00
2002 Ford Aerotech Bus (57942)	Transit	161,378	3,300.00
2000 Nabi Bus (140329)	Transit	349,105	1,300.00
2000 Nabi Bus (140330)	Transit	287,358	1,200.00
2000 Nabi Bus (140331)	Transit	287,823	1,900.00
2000 Nabi Bus (140332)	Transit	302,712	1,600.00
2000 Nabi Bus (140333)	Transit	384,898	1,800.00

Revenues received from the sale of vehicles are credited to the General Fleet fund or the appropriate Enterprise Capital fund, according to the previous assignment of the vehicle sold.

FISCAL IMPACT: Revenues received from the sale of vehicle are credited as follows and are

used to help fund the replacement of these vehicles.

Public Works Director

General Fund (1201)	\$16,149.50
Water/Wastewater (1801)	1,691.00
Transit (12501)	<u>11,100.00</u>
Total:	\$28,940.50

**FUNDING AVAILABLE**: None required.

F. Wally Sandelin

Prepared by Randy Laney, Fleet Services Supervisor
cc: Jordan Ayers, Deputy City Manager/Internal Services Director
Steve Dutra, Parks & Recreation Coordinator
Paula Fernandez, Transit Coordinator

Lt. Bill Alexander, Police Fleet Coordinator Lance Roberts, Water/Wastewater Coordinator

APPROVED:	
	Konradt Bartlam, City Manager

### **AGENDA ITEM C-04**

Accept the Quarterly Investment Report as Required by the City of Lodi Investment

**AGENDA TITLE:** 

	1 Olicy		
MEETING DATE:	February 6, 2013		
PREPARED BY:	Deputy City M	lanager	
RECOMMENDED AC	CTION:	Accept the quarterly investment report as required by the City of Lodi Investment Policy.	
BACKGROUND INFO	ORMATION:	Government Code Section 53646 has been amended to no longer mandate this report on investments to the legislative body of the local agency. Nevertheless, it is encouraged, and the report is attached for City Council review.	
		the quarter ending December 31, 2012 is \$71,757,376.24. Il invested funds over the quarter has been 0.331 %.	
FISCAL IMPACT:	Not ap	plicable.	
FUNDING AVAILAB	LE: As per	attached report.	
Attachment		Jordan Ayers Treasurer	
	APPROVED	o: Konradt Bartlam, City Manager	



## **December 31, 2012 INVESTMENT STATEMENT**

Local Agency Investment Funds * Int. earnings for Qtr. ending 12-31-12	<b>54.85% of Portfolio</b> 0.33%	
LODI	Local Agency Inv Fund (LODI)	39,358,955.06
	Subtotal LAIF	39,358,955.06
CalTRUST Int. earnings for Qtr. ending 12-31-12	<b>33.59%</b> of Portfolio 0.32%	
CalTRUST Short-Term Account Int. earnings for Qtr. ending 12-31-12	Investment Trust of California 0.36%	8,015,857.53
CalTRUST Medium-Term Account	Investment Trust of California	16,089,804.19
	Subtotal CalTRUST	24,105,661.72
Certificates of Deposit	0.70% of Portfolio	
matures 03/08/2013	Bank of Ag. & Comm. (cost) 0.50% int.	250,000.00
matures 06/18/2013	Central Valley Comm. Bank (cost) 0.40% int.	250,000.00
	Subtotal CD	500,000.00
Passbook/Checking Accounts	10.86% of Portfolio	
Farmers & Merchants	demand account - no interest earnings	2,268,471.98**
Farmers & Merchants - Money Mkt.	0.40% interest earnings	1,617,392.14
Farmers & Merchants - Payroll	demand account - no interest earnings	39,094.69
Farmers & Merchants - Central Plume	demand account - no interest earnings	6,304.73
Farmers & Merchants - CP Money Mkt.	0.40% interest earnings	3,861,495.92
	Subtotal P/C Accts	7,792,759.46

Based on the approved budget and to the extent the budget is adhered to, liquidity is available, and the City will be able to meet its expenditure requirements for the next six months. This portfolio is in compliance with the City of Lodi Investment Policy.

TOTAL

Kirk J Evans

Management Analyst

01/24/13 Date \$71,757,376.24

<sup>\*</sup> In accordance with the terms of the Local Agency Investment Fund, invested funds may be utilized on the same day if transaction is initiated before 10:00 a.m.

<sup>\*\*</sup> This amount is a compensating balance required to obtain an earnings credit rate.

### **AGENDA ITEM C-05**

AGENDA TITLE: Accept Quarterly Report of Purchases Between \$10,000 and \$20,000

**MEETING DATE:** February 6, 2013

PREPARED BY: Deputy City Manager

**RECOMMENDED ACTION**: Accept Quarterly Report of Purchases between \$10,000 and \$20,000.

**BACKGROUND INFORMATION**: During the fourth calendar quarter of 2012, the following purchases were

awarded. Background information for each purchase is attached as

Exhibits A through F.

Exh.	Date	Contractor	Project	Award Amt.
Α	10/15/12	Park Pacific Inc.	Recycling Container	\$19,654.79
В	10/15/12	Ray Morgan Company	Copier	\$13,379.64
С	11/12/12	Vineyard Technical Sales	Surface Water Treatment Facility	\$11,602.31
D	12/12/12	National Meter & Automation Inc.	Fixed Network	\$19,502.75
Е	12/19/12	General Pacific	EUD Inventory	\$15,678.50
F	12/19/12	HD Supply	EUD Inventory	\$13,222.75

FISCAL IMPACT:	Varies by project. All purchases were budgeted in the 2012-2013 Financial Plan.
FUNDING AVAILABLE:	Funding as indicated on Exhibits.

Jordan Ayers, Deputy City Manager

Prepared by Sherry Moroz, Purchasing Technician JA/sm Attachment

APPROVED: \_\_\_\_\_ Konradt Bartlam, City Manager

#### **EXHIBIT** A

## RECOMMENDATION FOR CONTRACT AWARD

	RO	JE	CT	N	Δ	ME	:
•	NU		$\mathbf{v}$	14	~	W 1 L.	

**Recycling Container Purchase** 

**DEPARTMENT:** 

**Public Works** 

CONTRACTOR

Park Pacific, Inc.

AWARD AMOUNT:

\$19,654.79

DATE OF RECOMMENDATION:

10/15/12

### **BIDS OR PROPOSALS RECEIVED:**

Park Pacific, Inc. Bid Amount

\$19,654.79

### "NO BID" or NO RESPONSE RECEIVED:

Sole source supplier

### **BACKGROUND INFORMATION & BASIS FOR AWARD:**

The City receives annual funds from the State under the California Berverage Container Recycling and Litter Reduction Act. These funds must only be used for activities related to beverage container recycling or litter abatement. Purchasing these containers will provide recycling in the downtown area where there currently are no permanent containers.

Prepared by: Rebecca Areida-Yadav

Title: Management Analyst

Reviewed by: Albaly Saude

### **EXHIBIT** B

# RECOMMENDATION FOR CONTRACT AWARD

	IECT	МΛ	ME.
WHI.	. 1 - 1 - 1	IVA	IN C

**Copier Purchase** 

**DEPARTMENT:** 

**Public Works** 

CONTRACTOR

Ray Morgan Company

AWARD AMOUNT:

\$13,379.64

DATE OF RECOMMENDATION:

10/15/12

### BIDS OR PROPOSALS RECEIVED:

Ray Morgan Company **Bid Amount** 

\$13,379.64

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Purchase of new copier for Public Works Administration to replace the current copier that is being moved to the new Surface Water Treatment Plant. No bidding or quotes were necessary as the purchase is off of a CMAS contract.

**FUNDING:** 

Water Fund 180

Prepared by: Rebecca Areida-Yadav

Reviewed by: Albally Sandu

### EXHIBIT (

# RECOMMENDATION FOR CONTRACT AWARD

	_		 			<b>-</b> -
PR	IJJ	EC	 N	МΙ	٧Ł	⊏:

CHEMTRAC STREAMING CURRENT MONITOR

**DEPARTMENT:** 

**PUBLIC WORKS (SWTF)** 

CONTRACTOR

VINEYARD TECHNICAL SALES

AWARD AMOUNT:

\$11,602.31

DATE OF RECOMMENDATION:

**NOVEMBER 12, 2012** 

BIDS OR PROPOSALS RECEIVED:

VINEYARD TECHNICAL SALES

SOLE SOURCE

\$11,602.31

"NO BID" or NO RESPONSE RECEIVED:

### BACKGROUND INFORMATION & BASIS FOR AWARD:

The surface wate treatment facility requires this equipment in order to optimize plant proficiency. This equipment will allow SWTF to meet these requirements.

**FUNDING:** 

181011.1825.2300

Prepared by: Andrew Richle

Title: Chief Water Plant Operator

### **EXHIBIT** D

## RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME:	Fixed Network		
DEPARTMENT:	Electric and Public Works		
CONTRACTOR	National Meter and Automation, Inc.		
AWARD AMOUNT:	\$19,502.75		
DATE OF RECOMMENDATION:	12/12/12		
BIDS OR PROPOSALS RECEIVED National Meter and Automa	4.0 -00		
"NO BID" or NO RESPONSE RECI None	EIVED:		
BACKGROUND INFORMATION & Itron equipment was estab automated meter reading s	BASIS FOR AWARD: lished by the City Council for implementation of the fixed network system for Electric and Public Works		
National Meter and Automorequipment.	ation, Inc. is the sole provider in Northern California for the Itron		
<b>FUNDING:</b> 161000 & 7	181013		
Prepare	d by: _Wally Sandelin		
	Title: Public Works Director		
Reviewe	d bv		

### **EXHIBIT** E

### RECOMMENDATION FOR CONTRACT AWARD

ΡF	₹O.	IFC:	TNA	ME:

**EUD Inventory** 

**DEPARTMENT:** 

**Electric Utility** 

CONTRACTOR

**General Pacific** 

**AWARD AMOUNT:** 

\$15,678.50

DATE OF RECOMMENDATION:

**December 19, 2012** 

### **BIDS OR PROPOSALS RECEIVED:**

General Pacific

\$15,678.50

### "NO BID" or NO RESPONSE RECEIVED:

WESCO HD Supply

### BACKGROUND INFORMATION & BASIS FOR AWARD:

HD Supply bid on 2 line items and was \$223.77 higher on these 2 line items and was a non quote on 5 other line items.

These are inventory items for the Electric Utility. They are needed for repairs and new installations.

160.1496

**FUNDING:** 

Prepared by: Thomas Dean

Title: Electric Materials Technician

Reviewed by: All Man

### **EXHIBIT** F

### RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME:

**EUD Inventory** 

**DEPARTMENT:** 

**Electric Utility** 

CONTRACTOR

**HD Supply** 

AWARD AMOUNT:

\$13,222.75

DATE OF RECOMMENDATION:

**December 19, 2012** 

**BIDS OR PROPOSALS RECEIVED:** 

HD Supply

\$13,222.75

"NO BID" or NO RESPONSE RECEIVED:

WESCO

General Pacific

**BACKGROUND INFORMATION & BASIS FOR AWARD:** 

General Pacific bid on 12 line items and was \$3,339.31 higher on these 12 items and a non quote on 6 other items.

These are inventory items for the Electric Utility. They are needed for repairs and new installations.

160,1496

**FUNDING:** 

Prepared by: Thomas Dean

Title: Electric Materials Technician

Reviewed by:

### **AGENDA ITEM C-06**

AGENDA TITLE: Accept Improvements Under Contract for Water Meter Program Phase 2 and

Adopt Resolution Appropriating Funds (\$850,000)

**MEETING DATE:** February 6, 2013

PREPARED BY: Public Works Director

**RECOMMENDED ACTION**: Accept improvements under contract for Water Meter Program

Phase 2 and adopt resolution appropriating funds in the amount of

\$850,000.

**BACKGROUND INFORMATION**: The project was awarded to A. Teichert and Son, Inc., of Roseville,

on March 7, 2012, in the amount of \$4,199,640. The contract has been completed in substantial conformance with the plans and

specifications approved by City Council.

The project consisted of the installation of 2,091 meters and the replacement of 25,895 feet (4.90 miles) of water main.

The contract completion date was October 24, 2012 and the actual completion date was November 27, 2012. The completion date was extended due to rain days, added work, and unforeseen field conditions. The final contract price was \$5,503,697. The difference between the contract amount and the final contract price is \$1,304,057 due to the following changes and change orders.

- a. Variations in the units constructed from the units bid. The greatest change occurred in the additional asphalt concrete bid items in the amount of \$609,585.
- b. Change Order Nos. 1, 2 and 3 addressed additional work associated with unforeseen field conditions and existing utility conflicts in the amount of \$127,270.
- c. Change Order No. 4 added work to repave two alleys between Lincoln Avenue, California Street, Daisy Avenue and Louie Avenue in the amount of \$219,554.
- d. Change Order Nos. 5 and 6 addressed extra work associated with unforeseen field conditions and existing utility conflicts in the amount of \$123,316 and added paving on Eureka Avenue, Palm Avenue and Louie Avenue in the amount of \$234,601.
- e. Change Order No. 8 addressed extra work associated with unforeseen field work and existing utility conflicts in the amount of \$84,530 and final agreement on payment for disputed extra work in the amount of \$50,000.

Additional asphalt concrete work constituted \$1,151,238 of the total contract price. These funds we used to widen the trench patch where new pipelines were constructed, repair failed pavement sections in many of the same areas, and repair pavement damage caused by the heavy construction equipment.

APPROVED:		
	Konradt Bartlam, City Manager	

Accept Improvements Under Contract for Water Meter Program Phase 2 and Adopt Resolution Appropriating Funds (\$850,000) February 6, 2013 Page 2

Change orders associated with unforeseen field conditions and existing utility conflicts amounted to \$464,786 or 7% of the final contract price. This level of change order cost is not unexpected for construction of new pipelines within very old streets where utility information is not well documented.

The final project cost including construction, construction management, meter purchases, and staff time is approximately \$6,635,600 and this is below the estimate included in the water rate model of \$7,035,000.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: Water main leak and service repairs will be reduced. No additional costs

will be incurred for reading of the meters as they are automatically read

concurrent with the reading of the electric meters.

**FUNDING AVAILABLE**: Requested Appropriation:

Water Capital Fund (181): \$850,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

FWS/pmf

cc: Larry Parlin, Deputy Public Works Director - Utilities

1.	AA#	
2.	JV#	

CITY OF LODI APPROPRIATION ADJUSTMENT REQUEST						
TO:	Internal Services Dept Budget Divis	sion				
3. FROM:	Rebecca Areida-Yadav	5. DATE:	01/09/2012			
4. DEPARTI	MENT/DIVISION: Public Works					

6. REQUEST A	DJUSTMENT C	F APPROPRIAT	ION AS LISTED	BELOW	PA BEA		
	FUND#	BUS, UNIT #	ACCOUNT #	ACCOUNT TITLE		AMOUNT	
A. SOURCE OF FINANCING	181 3205 Fund Balance				\$	850,000.00	
B. USE OF FINANCING	181	181465	1825.2150	Water Meter Program Phase 2	\$	850,000.00	

7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET							
Please provide a description of the project, the total cost of the project, as well as justification for the							
requested adjustment. If you need more space, use an additional sheet and attach to this form.							
Water meter program phase 2 project acceptance.							
If Council has authorized the appropriation adjustment, complete the following:							
Meeting Date: Res No: Attach copy of resolution to this form.							
Department Head Signature: Mally Saudul							
8. APPROVAL SIGNATURES							
Deputy City Manager/Internal Services Manager Date							

Submit completed form to the Budget Division with any required documentation. Final approval will be provided in electronic copy format.

### RESOLUTION NO. 2013-\_\_\_\_

### A RESOLUTION OF THE LODI CITY COUNCIL APPROPRIATING FUNDS FOR THE WATER METER PROGRAM PHASE 2 PROJECT

\_\_\_\_\_

WHEREAS, the Water Meter Program Phase 2 Project was awarded to A. Teichert and Son, Inc., of Roseville, on March 7, 2012, in the amount of \$4,199,640, and the contract has been completed in substantial conformance with the plans and specifications approved by City Council; and

WHEREAS, staff recommends that the City Council appropriate funds to cover expenses associated with additional constructional costs related to added paving, unforeseen field conditions and existing utility conflicts.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby appropriate funds in the amount of \$850,000 from the Water Capital Fund for this project.

Dated:	February 6, 2013

I hereby certify that Resolution No. 2013-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: **COUNCIL MEMBERS -**

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL City Clerk

### **AGENDA ITEM C-07**



**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Purchase Order and

Amendment No. 1 to Professional Services Agreement with National Meter and Automation, Inc., of Santa Rosa, for Purchase of Meter Assemblies and Field

Documentation (\$1,800,000)

**MEETING DATE:** February 6, 2013

PREPARED BY: Public Works Director

**RECOMMENDED ACTION**: Adopt resolution authorizing City Manager to execute purchase

order and Amendment No. 1 to Professional Services Agreement

with National Meter and Automation, Inc., of Santa Rosa, for

purchase of meter assemblies and field documentation, in the amount of \$1,800,000.

**BACKGROUND INFORMATION**: National Meter and Automation, Inc., of Santa Rosa, is the local

supplier for Badger Meter, Inc., of Milwaukee, that was approved by City Council on August 4, 2010, as the sole source provider of water

meters to the Water Meter Program. Staff has negotiated the necessary terms and requirements of the water meter assemblies' procurement and related field services. Field services include the delivery of meters to the City and recordation of model, serial number, address, and location of approximately 8,200 meters to be installed with the water meter program. This purchase will cover the remaining five years of the water meter program. Appropriation for the 2013 water meter purchase is included in the Water Division budget.

Amendment No. 1 to the Professional Services Agreement with National Meter and Automation, Inc., will extend the term of the agreement to March 20, 2018.

FISCAL IMPACT:	Funding is included in the Water Division budget.			
FUNDING AVAILABLE:	Water Capital Fund (181)			
	Jordan Ayers Deputy City Manager/Internal Services Director			
FWS/pmf Attachment	F. Wally Sandelin Public Works Director			

APPROVED:

Konradt Bartlam, City Manager

### AMENDMENT NO. 1

# National Meter and Automation, Inc. Professional Services Agreement

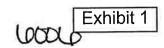
	THIS	AMEND	MENT N	NO. 1	то Р	ROI	FESSIONA	AL SERV	/ICE	S AG	REEMI	ENT,	is
made	and	entered	this		day	of	February,	2013,	by	and	betwe	en t	he
CITY (	OF LO	DI, a mu	unicipal	corpora	ation	(her	einafter "G	CITY"), a	and i	NATIO	DNAL I	METI	ER
AND AUTOMATION, INC. (hereinafter "CONSULTANT").													

### WITNESSETH:

- 1. WHEREAS, CONSULTANT and CITY entered into a Professional Services Agreement (Agreement) on March 28, 2012, as set forth in Exhibit 1 (attached).
- 2. WHEREAS, the parties agree to extend the term of the Agreement to March 20, 2018;

NOW, THEREFORE, the parties agree to extend the term of the Agreement to March 20, 2018. All other terms and conditions will remain as set forth in the Agreement, attached to as Exhibit 1 and made a part hereof as though fully set forth herein.

IN WITNESS WHEREOF, CITY Amendment No. 1 on			have	executed	this
CITY OF LODI, a municipal corporation Hereinabove called "CITY"		NATIONAL METAUTOMATION, Hereinabove ca	INC.		JT"
KONRADT BARTLAM City Manager	e e	Name: Title:			
Attest:					
RANDI JOHL, City Clerk	tā				
Approved as to Form:					
196					
D. STEPHEN SCHWABAUER City Attorney					



### AGREEMENT FOR PROFESSIONAL SERVICES

# ARTICLE 1 PARTIES AND PURPOSE

### Section 1.1 Parties

THIS AGREEMENT is entered into on How 2012, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and NATIONAL METER AND AUTOMATION, INC. (hereinafter "CONTRACTOR").

### Section 1.2 Purpose

CITY selected the CONTRACTOR to provide the services required in accordance with attached Scope of Services, Exhibit A, attached and incorporated by this reference.

CITY wishes to enter into an agreement with CONTRACTOR for purchase of water meter assemblies and related services (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

# ARTICLE 2 SCOPE OF SERVICES

### Section 2.1 Scope of Services

CONTRACTOR, for the benefit and at the direction of CITY, shall perform the Scope of Services as set forth in Exhibit A.

### Section 2.2 Time For Commencement and Completion of Work

CONTRACTOR shall commence work pursuant to this Agreement, upon receipt of a written notice to proceed from CITY or on the date set forth in Section 2.6, whichever occurs first, and shall perform all services diligently and complete work under this Agreement based on a mutually agreed upon timeline or as otherwise designated in the Scope of Services.

CONTRACTOR shall submit to CITY such reports, diagrams, drawings and other work products as may be designated in the Scope of Services.

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be

counted against CONTRACTOR's contract performance period. Also, any delays due to weather, vandalism, acts of God, etc., shall not be counted. CONTRACTOR shall remain in contact with reviewing agencies and make all efforts to review and return all comments.

### Section 2.3 Meetings

CONTRACTOR shall attend meetings as may be set forth in the Scope of Services.

### Section 2.4 Staffing

CONTRACTOR acknowledges that CITY has relied on CONTRACTOR's capabilities and on the qualifications of CONTRACTOR's principals and staff as identified in its proposal to CITY. The Scope of Services shall be performed by CONTRACTOR, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONTRACTOR of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel at CITY's sole discretion and shall be notified by CONTRACTOR of any changes of CONTRACTOR's project staff prior to any change.

CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein. CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals, and shall indemnify, defend and hold harmless CITY against any costs associated with such licenses, permits, qualifications, insurance and approvals which may be imposed against CITY under this Agreement.

### Section 2.5 Subcontracts

Unless prior written approval of CITY is obtained, CONTRACTOR shall not enter into any subcontract with any other party for purposes of providing any work or services covered by this Agreement.

### Section 2.6 Term

The term of this Agreement commences on March 21, 2012 and terminates upon the completion of the Scope of Services or on March 20, 2013, whichever occurs first.

# ARTICLE 3 COMPENSATION

# Section 3.1 Compensation

CONTRACTOR's compensation for all work under this Agreement shall conform to the provisions of the Fee Proposal, attached hereto as Exhibit B and incorporated by this reference.

CONTRACTOR shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

## Section 3.2 Method of Payment

CONTRACTOR shall submit invoices for completed work on a monthly basis, or as otherwise agreed, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the Scope of Services said work is attributable. CONTRACTOR's compensation for all work under this Agreement shall not exceed the amount of the Fee Proposal.

# Section 3.3 Costs

The Fee Proposal shall include all reimbursable costs required for the performance of the Scope of Services. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved in advanced and in writing, by CITY.

## Section 3.4 Auditing

CITY reserves the right to periodically audit all charges made by CONTRACTOR to CITY for services under this Agreement. Upon request, CONTRACTOR agrees to furnish CITY, or a designated representative, with necessary information and assistance needed to conduct such an audit.

CONTRACTOR agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONTRACTOR agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. CONTRACTOR further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

# ARTICLE 4 MISCELLANEOUS PROVISIONS

# Section 4.1 Nondiscrimination

In performing services under this Agreement, CONTRACTOR shall not discriminate in the employment of its employees or in the engagement of any sub CONTRACTOR on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

# Section 4.2 ADA Compliance

In performing services under this Agreement, CONTRACTOR shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

# Section 4.3 <u>Indemnification and Responsibility for Damage</u>

CONTRACTOR to the fullest extent permitted by law, shall indemnify and hold harmless CITY, its elected and appointed officials, directors, officers, employees and volunteers from and against any claims, damages, losses, and expenses (including reasonable attorney's fees), arising out of performance of the services to be performed under this Agreement, provided that any such claim, damage, loss, or expense is caused by the negligent acts, errors or omissions of CONTRACTOR, any subcontractor employed directly by CONTRACTOR, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, except those injuries or damages arising out of the active negligence of the City of Lodi or its officers or agents.

# Section 4.4 No Personal Liability

Neither the City Council, nor any other officer or authorized assistant or agent or City employee shall be personally responsible for any liability arising under this Agreement.

# Section 4.5 Responsibility of CITY

CITY shall not be held responsible for the care or protection of any material or parts of the work described in the Scope of Services prior to final acceptance by CITY, except as expressly provided herein.

# Section 4.6 Insurance Requirements for CONTRACTOR

CONTRACTOR shall take out and maintain during the life of this Agreement, insurance coverage as set forth in Exhibit C attached hereto and incorporated by this reference.

#### Section 4.7 Successors and Assigns

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

## Section 4.8 Notices

Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight delivery, postage prepaid, or three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

To CITY:

City of Lodi

221 West Pine Street

P.O. Box 3006

Lodi, CA 95241-1910

Attn: Wally Sandelin, Public Works Director

To CONTRACTOR: National Meter and Automation, Inc.

2250 Apollo Way, Ste. 300 Santa Rosa, CA 95407

Attn: Kathy Richards

# Section 4.9 Cooperation of CITY

CITY shall cooperate fully and in a timely manner in providing relevant information it has at its disposal relevant to the Scope of Services.

# Section 4.10 CONTRACTOR is Not an Employee of CITY

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of the services and work to be performed hereunder. CITY, however, retains the right to require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

#### Section 4.11 Termination

CITY may terminate this Agreement, with or without cause, by giving CONTRACTOR at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONTRACTOR shall be entitled to payment as set forth in the attached Exhibit B to the extent that the work has been performed. Upon termination, CONTRACTOR shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONTRACTOR with third parties in reliance upon this Agreement.

# Section 4.12 Confidentiality

CONTRACTOR agrees to maintain confidentiality of all work and work products produced under this Agreement, except to the extent otherwise required by law or permitted in writing by CITY. CITY agrees to maintain confidentiality of any documents owned by CONTRACTOR and clearly marked by CONTRACTOR as "Confidential" or "Proprietary", except to the extent otherwise required by law or permitted in writing by CONTRACTOR. CONTRACTOR acknowledges that CITY is subject to the California Public Records Act.

# Section 4.13 Applicable Law, Jurisdiction, Severability, and Attorney's Fees

This Agreement shall be governed by the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be venued with the San Joaquin County Superior Court. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in force and effect. In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the San Joaquin County Superior Court.

# Section 4.14 City Business License Requirement

CONTRACTOR acknowledges that Lodi Municipal Code Section 3.01.020 requires CONTRACTOR to have a city business license and CONTRACTOR agrees to secure such license and pay the appropriate fees prior to performing any work hereunder.

## Section 4.15 Captions

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent hereunder.

# Section 4.16 Integration and Modification

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

# Section 4.17 Contract Terms Prevail

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

# Section 4.18 Severability

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

# Section 4.19 Ownership of Documents

All documents, photographs, reports, analyses, audits, computer media, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared under this Agreement, shall be deemed the property of CITY. Upon CITY's request, CONTRACTOR shall allow CITY to inspect all such documents during CONTRACTOR's regular business hours. Upon termination or completion of services under this Agreement, all information collected, work product and documents shall be delivered by CONTRACTOR to CITY within ten (10) calendar days.

CITY agrees to indemnify, defend and hold CONTRACTOR harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were intended.

## Section 4.20 Authority

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

# Section 4.21 <u>Federal Transit Funding Conditions</u>

if the box at left is checked, the Federal Transit Funding conditions attached as Exhibit apply to this contract. In the event of a conflict between the terms of this contract or any of its other exhibits, and the Federal Transit Funding Conditions, the Federal Transit Funding Conditions will control.

IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Agreement as of the date first above written.

CITY OF LODI, a municipal corporation

RANDI JOHL City Clerk

KONRADT BARTLAM, City Manager

APPROVED AS TO FORM: D. STEPHEN SCHWABAUER, City Attorney JANICE D. MAGDICH, Deputy City Attorney **CONTRACTOR: National Meter** 

Attachments:

ATTEST:

Exhibit A – Scope of Services

Exhibit B – Fee Proposal

Exhibit C - Insurance Requirements

By: Track Millian RON

Title: YICE PRESIDENT

Funding Source: 181465.1825.2150 (Business Unit & Account No.)

Doc ID:Water Meter Program Phase 2\PSA National Meter

CA:rev.01.2012



# City of Lodi

# Request for Proposal Purchase of Water Meter Assemblies and Related Services

January 7, 2011

Presented By:



Kathy Richards 2250 Apollo Way #300

Santa Rosa, CA 95407 707.575.0700 office 707.481.1684 cell 707.575.3786 fax

An Authorized Badger Meter & *Itron* Distributor



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January 7, 2011

Tom Dugan, Program Administrator City of Lodi Public Works Department 221 West Pine Street Lodi, CA 95240

Re: Purchase of Water Meter Assemblies and Related Services RFP Response

Mr. Dugan, -

Since their inception in 1977, Itron, Inc. has become the world's leading provider of intelligent metering, data collection and utility software solutions, with nearly 8,000 utilities worldwide relying on their technology to optimize the delivery and use of energy and water.

Founded in 1905, Badger Meter, Inc. has earned an international reputation as an innovator in the development of flow measurement technologies. Badger's tremendous success is due, in part, to its distributor network.

Founded in 2004, National Meter & Automation, Inc. (NMAAI) is Badger Meter's largest distributor in the United States, as well as an authorized itron, Inc. distributor covering California, Arizona, Nevada, Colorado and southern Wyoming. With a combined 75 years of AMR/Water Meter experience, our California branch includes knowledgeable inside and outside sales professionals along with a factory trained and certified technical support team. Just 112 miles from Lodi, CA, NMAAI has a local, fully stocked warehouse located in Santa Rosa, CA to provide optimum material availability.

#### Main Contact

Kathy Richards, CA Sales Manager krichards@nmaai.com (707) 481-1684 cell (707) 575-0700 office (707) 575-3786 fax 2250 Apollo Way #300 Santa Rosa, CA 95407

#### Corporate Office

Noel Frakes, President nfrakes@nmaai.com (303) 981-9330 cell (303) 339-9100 office (303) 649-1017 fax 7220 S. Fraser St. Centennial, CO 80112

#### **Technical Support**

Dennis McConville dmcconville@nmaai.com (916) 436-6670 cell



Enclosed is National Meter & Automation, Inc.'s proposal for Itron, Inc.'s premier Automated Meter Reading System in conjunction with Badger Meter's leading Water Meter technology. National Meter & Automation will work closely with the staff at the City of Lodi to seamlessly integrate meter data into the City's billing system. National Meter & Automation will also provide system implementation support and on-site training for field and office staff by a local, experienced and certified trainer.

National Meter & Automation has reviewed and will commit to the terms and conditions of the contract documents.

National Meter & Automation is pleased to present this proposal to the City of Lodi. For additional information, please contact me via cell phone at (707) 481-1684, or via email at krichards@nmaai.com.

Regards,

Kathy Richards, California Sales Manager National Meter & Automation, Inc.

Hoth Richards



# Proposal in Response to the Requirements of the RFP

# D. Summary of Work

• Comply.

# E. Scope of Summary

- 1) Meter Assemblies
  - A. Comply.
  - B. Comply. See Tab 6 for warranties
  - C. Comply. See Tab 5 for product equipment submittals.
- 2) Support Services
  - · Comply.
- 3) Meter Assembly Documentation
  - · Comply.
- 4) Meter Assembly Storage, Deliver and Transfer of Ownership
  - · Comply.
- 5) Field Documentation
  - Comply. See Tab 2 for pricing.
- 6) OPTIONAL SCOPE ITEM 1: Meter Calibration Bench Testing Equipment
  - See Tab 4 for specifications and pricing.
- 7) OPTIONAL SCOPE ITEM 2: Leak Detection Equipment
  - See Tab 3 for specifications and pricing.

# F. Meter Assembly Procurement Schedule

· Comply.

## **G. Deliveries of Submittals**

· Comply.

#### H. Sales and Use Taxes

• Comply. See Tab 2 for pricing.

#### I. Guarantees

• Comply. See Tab 6 for warranties

#### J. Purchases

· Comply.



#### K. Business License

· Comply.

# L. Procurement Proposal

- · Comply.
- 5) The Components of the Proposal shall include the following:
  - A. See Tab 5 for equipment submittals.
  - B. Comply. See Tab 2 for pricing.
  - C. Terms and Conditions

# **Terms and Conditions: Meter Assemblies and Materials**

Material deliveries will be coordinated between National Meter & Automation and the Installation contractor. This coordination will include the number of required meter assemblies and delivery dates.

The Contractor will request delivery of the initial order of complete meter assemblies no less than 14 days prior to the required delivery date. Thereafter, a base delivery of 500 meter assemblies will be scheduled on 7 day intervals. Larger orders in less time intervals may be arranged between the Installation Contractor and National Meter & Automation.

All equipment shall be shipped FOB to the jobsite. The Installation Contractor will arrange for receipt of materials and shall provide a forklift to offload the truck. The Installation Contractor will take possession of and responsibility for the meter assemblies at the delivery site.

National Meter & Automation will invoice the City of Lodi for materials when shipped. Included with each invoice will be an Inventory Manifest. This manifest will include all meter assembly documentation as outlined in Item 3 of this Request for Proposal. Invoices will be issued with payment terms of Net 30 days.



# **Terms and Conditions: Field Documentation**

Once each meter assembly is installed, National Meter & Automation will conduct a site visit and complete the Field Documentation as outlined in Item 5 of this Request for Proposal. Site visits will include a minimum of 1,000 locations, referred to as a Verified Group

National Meter & Automation will invoice the City of Lodi for the corresponding number of site visits completed and for which all Field Documentation has been collected and confirmed against the original inventory Manifest at the completion of each Verified Group. Invoices will be issued with payment terms of Net 30 days.

National Meter & Automation will work with City staff as assigned for delivery of the entire Meter Installation Database at the completion of each project phase, or as requested by the City.

# D. STATEMENT OF UNDERSTANDING

## **Statement of Understanding**

National Meter & Automation will actively partner with the City of Lodi and RMC Water and Environment to ensure the successful implementation of the City of Lodi's water meter system.

As the authorized distributor for both Badger Meter, Inc. and Itron, Inc. in Northern California, National Meter & Automation will coordinate each aspect of the product from material procurement through data collection and presentment.

The process has begun with National Meter & Automation's successful negotiations with both manufacturers to ensure stable pricing through the seven phases of this project. Our pricing proposal reflects the material standards as outlined in the City of Lodi's Standards #403 and 412.

With water resource management being a primary driver in the implementation of this system, we have also included information and pricing for water loss management tools that are designed to work with the Itron system and assist the City in its efforts to manage



the integrity of the water distribution system. The Leak Sensor and Mlog online presentment tools work in conjunction with the Itron ChoiceConnect meter reading system. The Leak Sensor's constant monitoring of the distribution system helps the City identify potential system leaks while they are still relatively small, allow for repair during normal working hours and before extensive water loss or damage to the infrastructure.

National Meter & Automation's approach to the water meter implementation project will be as follows:

NMAAI will procure materials from both manufacturers, Badger Meter, Inc. and Itron, Inc. on a schedule that has been outlined with the Installation Contractor and is based on his installation schedule.

The materials will arrive in our warehouse in Santa Rosa where we will begin the assembly and documentation process. All meters shall be tested and certified at the factory prior to their shipment. Certified test results will be the starting point for our material documentation process.

The meters and encoded registers will be assembled to an Itron 100W endpoint which has been programmed to operate in a drive-by mode. The serial number of the Itron 100W endpoint, together with the meter model number, size, and other information as outlined in item 3 of the RFP titled "Meter Assembly Documentation" will be added to the certified test results completing the data base, hereafter referred to as a Shipping Manifest.

National Meter & Automation will ship the meter assemblies to a jobsite location as determined by the City and Installation Contractor. A detailed shipping schedule will be mutually agreed upon between National Meter & Automation and the Installation Contractor. For purposes of an initial estimate, these shipments will occur every 7 days with a quantity of 500 assemblies.

Scheduled shipments will be made FOB jobsite, full freight allowed. National Meter & Automation will retain ownership of materials until delivery is made at which time the Installation Contractor will take possession of and responsibility for the materials. The Installation Contractor will coordinate delivery of the materials and provide equipment for offload of the meter assemblies.



The City of Lodi will be invoiced for each shipment once the Installation Contractor has taken possession of the materials. This invoice will include a detalled description of the materials and quantities shipped, and the date and method of shipment. A Shipping Manifest (as described above) will accompany each billing invoice. There will be two hard copies and one digital copy as requested by the City in this RFP.

National Meter & Automation will work closely with the Installation Contractor throughout the entire phase of the project.

The Installation Contractor will have a list of installation sites as identified by the City. This list of sites will be identified by both APN number and physical address.

RMC Water and Environment will be working with the Installation Contractor and will be responsible for inspecting the individual meter installations.

National Meter & Automation will obtain information from the Installation Contractor regarding completed installation sites. Once an installation group of 1,000 services or greater has been completed, National Meter & Automation will conduct a site visit to each location. Using the customer data base with APN number and physical address, National Meter and Automation will complete the Field Documentation process.

The Field Documentation process will include gathering all information pertaining to that meter location including meter, encoder and endpoint serial numbers, meter model, size and GPS coordinates of the installed meter to a sub-meter accuracy.

The data gathered at each meter site will be merged with the Inventory Manifest and City's database with APN number and physical address. This process will include verifying that the serial numbers for the complete meter assembly gathered at the installation site match the serial numbers of the assemblies as they were delivered to the Installation Contractor. Any assembly whose numbers do not match will require a second site visit to confirm the information for the final assembly installed on site.

National Meter & Automation will invoice the City of Lodi for each Installation Group at the completion of the Field Documentation process. National Meter and Automation will submit the completed Field Documentation to the City of Lodi at the completion of each phase. Partial listings shall be submitted sooner at the City's request.



At the completion of each phase, National Meter & Automation will work with City staff as assigned to integrate the meter installation data into the City's Utility Billing System. Once the data has been uploaded, National Meter & Automation will perform an initial meter read and confirm that all assemblies are functioning. A field investigation and troubleshooting will be performed on any assembly that does not communicate when interrogated. Any unit that found to be faulty due to material, workmanship or design will be replaced. Any unit found to have been damaged shall be reported to the City staff as assigned for additional direction.

Should the City opt to include a city wide or selected phase implementation of the Leak Sensor technology, National Meter & Automation will collect the additional information necessary during the Field Documentation process and add that data to the Meter Installation data base.

National Meter & Automation will conduct training sessions as necessary, but not less than once during each installation phase. This training will include, but is not limited to, field installation and troubleshooting, meter reading equipment training, use of the MV-RS software, review of available reports and their value to each department, and the custom report generation process. National Meter & Automation will also assist the City with any software upgrades or other issues that may arise during the daily use of its Itron meter reading system.

Subsequent phases of this project shall be reviewed on a case by case basis. Changes in the installation methodology and data collection process shall be continually reviewed by National Meter & Automation for upgrades in technology, improved efficiencies, and additional City requirements that may arise over the duration of this project.

At which point the City wishes to change its method of collection from the drive-by mode to the ChoiceConnect Fixed Network solution, National Meter & Automation will deliver the endpoints programmed in the appropriate transmission mode. We will also work with City staff to reprogram existing endpoints from the drive-by to the fixed-network transmission mode. National Meter & Automation will also work closely with both the City of Lodi and Itron, Inc. to ensure a successful transition in data collection methods and ensure that additional training is provided as needed.



# **Cost Proposal**

- \* Note 1) Meter Assembly & Documentation Pricing includes: Meter body, ADE register, and 100W endpoint with thru lid mounting kit All items as described in Support Services, Items 1-4
- \*\* Note 2) Meter Assembly & Documentation Pricing Notes:
- Sales Tax shown are rates in effect at time of quotation.
   Sales Tax shall be charged based on the rates in effect at time of final sale.
- 2. Prices quoted are firm thru November 2011.
- 3. Future prices quoted may be increased in proportion to the increase in the Producer Price Index for Materials for durable manufacturing as reported by the US Department of Labor. The base index shall be the October 2010 index of 189.3. Changes in prices will be no more frequent than every 12 months if necessary, and will not exceed 3%.
- \*\*\* Note 3) Field Documentation Pricing Notes:
- 1. Prices quoted are firm thru November 2011.
- 2. Future years pricing may be adjusted according to Lodi area CPI rates.

# Phase 1: 2011 Meter Assembly & Documentation Pricing

<u>Size</u>	<u>Model</u>	Quantity	U	nit Price		<u>Total</u>	
3/4"	Badger Model 35	3,695	\$	194.00	\$	716,830.00	
1"	Badger Model 55	5	\$	226.00	\$	1,130.00	
2"	Badger Model 170	1	\$	622.00	\$	622.00	
2				Subtotal	\$	718,582.00	
	(	CA Sales Tax		7.250%	\$	52,097.20	
	Coun	ty Sales Tax		0.500%	\$	3,592.91	
	Lóc	al Sales Tax		1.000%	\$	7,185.82	
				Total	\$	781,457.93	
					*S	ee Note 1	
					**	See Note 2	

# Phase 1: 2011 Field Documentation Pricing

- <u>Size</u>	Quantity	<b>Unit Price</b>	<u>Total</u>		
All Sizes	3,701	\$ 8.00	\$ 29,608.00		
	CONT. 0.000		*** See Note 3		



# Phase 2: 2012 Meter Assembly & Documentation Pricing

Size	Model	Quantity	U	nit Price		Total
3/4"	Badger Model 35	2,067	\$	194.00	\$	400,998.00
1"	Badger Model 55	5	\$	226.00	\$	1,130.00
2"	Badger Model 170	1	\$	622.00	\$	622.00
_				Subtotal	\$	402,750.00
	(	CA Sales Tax		7.250%	\$	29,199.38
	Coun	ity Sales Tax		0.500%	\$	2,013.75
		cal Sales Tax		1.000%	\$	4,027.50
				Total	\$	437,990.63
					*S	ee Note 1
					**	See Note 2

# Phase 2: 2012 Field Documentation Pricing

Size	Quantity	<b>Unit Price</b>	<u>Total</u>
All Sizes	2,073	\$ 8.00	\$ 16,584.00
	Ď		*** See Note 3

# Phase 3: 2013 Meter Assembly & Documentation Pricing

Size	Model	Quantity	<u>u</u>	nit Price		<u>Total</u>
3/4"	Badger Model 35	1,447	\$	194.00	\$	280,718.00
1"	Badger Model 55	5	\$	226.00	\$	1,130.00
2"	Badger Model 170	1	\$	622.00	\$	622.00
_				Subtotal	\$	282,470.00
		CA Sales Tax		7.250%	÷\$	20,479.08
	Cour	nty Sales Tax		0.500%	\$	1,412.35
		cal Sales Tax		1.000%	\$	2,824.70
				Total	\$	307,186.13
					*5	ee Note 1
					**	See Note 2

# Phase 3: 2013 Field Documentation Pricing

Size	Quantity	<b>Unit Price</b>	<u>Total</u>
All Sizes	1,453	\$ 8.00	\$ 11,624.00
	•		*** See Note 3



# Phase 4: 2014 Meter Assembly & Documentation Pricing

Size	Model	Quantity	U	nit Price		Totai
3/4"	Badger Model 35	1,348	\$	194.00	\$	261,512.00
1"	Badger Model 55	5	\$	226.00	\$	1,130.00
2"	Badger Model 170	1	\$	622.00	\$	622.00
_	budger medicine			Subtotal	\$	263,264.00
		CA Sales Tax		7.250%	\$	19,086.64
		ity Sales Tax		0.500%	\$	1,316.32
		cal Sales Tax		1.000%	\$	2,632.64
				Total	\$	286,299.60
					*5	ee Note 1
					**	See Note 2

# Phase 4: 2014 Field Documentation Pricing

Size	Quantity	<b>Unit Price</b>	<u>Total</u>
All Sizes	1.354	\$ 8.00	\$ 10,832.00
	-,		*** See Note 3

# Phase 5: 2015 Meter Assembly & Documentation Pricing

<u>Size</u>	<u>Model</u>	Quantity	<u>U</u>	nit Price		<u>Total</u>	
3/4"	Badger Model 35	868	\$	194.00	\$	168,392.00	
1"	Badger Model 55	5	\$	226.00	\$	1,130.00	
2"	Badger Model 170	1	\$	622.00	_\$	622.00	_
-	24464			Subtotal	\$	170,144.00	
		CA Sales Tax		7.250%	\$	12,335.44	- 2
12	Coun	ty Sales Tax		0.500%	\$	850.72	
		cal Sales Tax		1.000%	\$	1,701.44	_
				Total	\$	185,031.60	
					*5	ee Note 1	
					**	See Note 2	

# Phase 5: 2015 Field Documentation Pricing

Size	Quantity	<b>Unit Price</b>	<u>Total</u>
All Sizes	874	\$ 8.00	\$ 6,992.00
			### See Note 3



# Phase 6: 2016 Meter Assembly & Documentation Pricing

Size	<u>Model</u>	Quantity	U	nit Price		<u>Total</u>
3/4"	Badger Model 35	921	\$	194.00	\$	178,674.00
1"	Badger Model 55	5	\$	226.00	\$	1,130.00
2"	Badger Model 170	1	\$	622.00	\$	622.00
	-			Subtotal	\$	180,426.00
		CA Sales Tax		7.250%	\$	13,080.89
	Coun	ty Sales Tax		0.500%	\$	902.13
	Loc	al Sales Tax		1.000%	\$	1,804.26
				Total	\$	196,213.28
					*50	ee Note 1
					**	See Note 2

# Phase 6: 2016 Field Documentation Pricing

<u>Size</u>	Quantity	<b>Unit Price</b>	<u>Total</u>
All Sizes	927	\$ 8.00	\$ 7,416.00
		***	*** See Note 3

# Phase 7: 2017 Meter Assembly & Documentation Pricing

Size	<u>Model</u>	Quantity	U	nit Price		<u>Total</u>
3/4"	Badger Model 35	2,186	\$	194.00	\$	424,084.00
1"	Badger Model 55	5	\$	226.00	\$	1,130.00
2"	Badger Model 170	1	\$	622.00	\$	622.00
	-			Subtotal	\$	425,836.00
		CA Sales Tax		7.250%	\$	30,873.11
	Coun	ty Sales Tax		0.500%	\$	2,129.18
	Loc	al Sales Tax		1.000%	\$	4,258.36
				Total	\$	463,096.65
					*\$6	ee Note 1
					**	See Note 2

# Phase 7: 2017 Field Documentation Pricing

<u>Size</u>	Quantity	<b>Unit Price</b>	<u>Total</u>
All Sizes	2,192	\$ 8.00	\$ 17,536.00
			*** See Note 3



# **Leak Detection Equipment**

\*Note 1: Leak Detection Equipment Pricing

- Sales Tax shown are rates in effect at time of quotation.
   Sales Tax shall be charged based on the rates in effect at time of final sale.
- 2. Prices quoted are firm thru December 31, 2013 (3 years).
- 3. Prices quoted may be increased by no more than 3% over the next 4 years, January 1, 2014 thru December 31, 2017.
- 4. Leak Sensor quantity is estimate (1:3).

  Final count subject to formal propagation study which factors in actual pipe materials & distances
- 5. Hosting Services are paid directly to Itron, Inc.

# Itron DigiCorr Leak Noise Correlator

	Qty	<b>Unit Price</b>	<u>Total</u>
DigiCorr Leak Noise Correlator	1	\$ 22,995.00	\$ 22,995.00
CA Sal	es Tax	7.25%	\$ 1,667.14
County Sal	es Tax	0.50%	\$ 114.98
Local Sal	es Tax	1.00%	\$ 229.95
		Total	\$ 25,007.06
			*See Note 1

# Itron Digital Leak Detector (DLD)

Division of Detector (DID)	<u>Qty</u> 1	<u>Unit Price</u> \$ 2,995	<u>Total</u> \$ 2,995.00
Digital Leak Detector (DLD)	_	y 2,373	φ <b>2</b> ,555.00
:. CA Sai	les Tax	7.25%	\$ 217.14
County Sa	ies Tax	0.50%	\$ 14,98
Local Sa		1.00%	\$ 29.95
		Total	\$3,257.06
			*See Note 1



# Phase 1: 2011 Leak Detection Equipment

Total services included in Phase 1: 3,701 Estimated number of Leak Sensors required: 1,234

	Oty	<b>Unit Price</b>	<u>Total</u>
Upgrade - 100W single port transmitter	1,234	\$ 123.00	\$ 151,741.00
with a 100W dual port transmitter		-	
includes Itron leak Sensor		Subtotal	\$ 151,741.00
CA Sal	es Tax	7.25%	\$ 11,001.22
County Sal	les Tax	0.50%	\$ 758.71
Local Sal		1.00%	\$ 1,517.41
		Total	\$ 165,018.34
Mlog Online Hosted Services (a	nnual)	Add:	\$ 2,000.00
			*See Note 1

# Phase 2: 2012 Leak Detection Equipment

Total services included in Phase 2: 2,073 Estimated number of Leak Sensors required: 691

	Qty	Unit Price	Total
Upgrade - 100W single port transmitter	691	\$ 123.00	\$ 84,993.00
with a 100W dual port transmitter		S	
includes Itron leak Sensor		Subtotal	\$ 84,993.00
CA Sal	les Tax	7.25%	\$ 6,161.99
County Sal	les Tax	0.50%	\$ 424.97
Local Sal	les Tax	1.00%	\$ 849.93
940		Total	\$ 92,429.89
Mlog Online Hosted Services (a	nnual)	Add:	\$ 2,500.00
			*See Note 1



# Phase 3: 2013 Leak Detection Equipment

Total services included in Phase 3: 1,447 Estimated number of Leak Sensors required: 482

	<u>Qtv</u> 482	<u>Unit Price</u> \$ 123.00	<u>Total</u> \$ 59,327.00
with a 100W dual port transmitter includes Itron leak Sensor		Subtotal	\$ 59,327.00
CA Sales		7.25%	\$ 4,301.21
County Sales Local Sales		0.50% 1.00%	\$ 296.64 \$ 593.27
*		Total	\$ 64,518.11
Miog Online Hosted Services (ann	nual)	Add:	\$ 2,500.00 *See Note 1

# Phase 4: 2014 Leak Detection Equipment

Total services included in Phase 4: 1,348
Estimated number of Leak Sensors required: 449

Upgrade - 100W single port transmitter 449	<u>Unit Price</u> \$ 123.00	<u>Total</u> \$ 55,268.00
with a 100W dual port transmitter includes Itron leak Sensor	Subtotal	\$ 55,268.00
CA Sales Tax	7.25%	\$ 4,006.93
County Sales Tax	0.50%	\$ 276.34
Local Sales Tax	1.00%	\$ 552.68
	Total	\$ 60,103.95
Miog Online Hosted Services (annual)	Add:	<b>\$ 2,500.00</b> *See Note 1



# Phase 5: 2015 Leak Detection Equipment

Total services included in Phase 5: 868
Estimated number of Leak Sensors required: 289

Upgrade - 100W single port transmitter	<u>Qtv</u> 289	<u>Unit Price</u> \$ 123.00		<u>Total</u> \$ 35,588.00
with a 100W dual port transmitter includes Itron leak Sensor		Subtotal		\$ 35,588.00
CA Sa County Sa Local Sa		7.25% 0.50% 1.00%	8	\$ 2,580.13 \$ 177.94 \$ 355.88
Miog Online Hosted Services (a	innual)	Total Add:	•	\$ 3,113.95 \$ 3,000.00 *See Note 1

# Phase 6: 2016 Leak Detection Equipment

Total services included in Phase 6: 921

Estimated number of Leak Sensors required: 307

	<u>Qtv</u> 307	<u>Unit Price</u> \$ 123.00	<u>Totaľ</u> \$ 37,761.00
with a 100W dual port transmitter includes Itron leak Sensor		Subtotal	\$ 37,761.00
CA Sale	s Tax	7.25%	\$ 2,737.67
County Sale	s Tax	0.50%	\$ 188.81
Local Sale		1.00%	\$ 377.61
		Total	\$ 3,304.09
Mlog Online Hosted Services (an	nual)	Add:	\$ 3,000.00 *See Note 1



# Phase 7: 2017 Leak Detection Equipment

Total services included in Phase 7: 2,186 Estimated number of Leak Sensors required: 729

Upgrade - 100W single port transmitter	<u>Qty</u> 729	<u>Unit Price</u> \$ 123.00	<u>Total</u> \$ 89,626.00
with a 100W dual port transmitter includes Itron leak Sensor		Subtotal	\$ 89,626.00
CA Sa	les Tax	7.25%	\$ 6,497.89
County Sa	les Tax	0.50%	\$ 448.13
Local Sa		1.00%	\$ 896.26
		Total	\$ 7,842.28
Mlog Online Hosted Services (a	nnual)	Add:	\$ 3,500.00 *See Note 1

# **Description of Leak Detection Products**

# **Leak Sensor**

The Itron Leak Sensor Module is a small acoustic based device that interrogates water lines to ensure the integrity of the city's sub-surface infrastructure. The Leak Sensor is designed to be placed on the distribution side of the water meter; from there, it is able to listen out through the service line and into the larger distribution main. Strategically placed around the city, the Leak Sensor records, stores and eventually delivers all of its information through the Itron 100W Endpoint network.

Its reduced size, 24 hour listening cycle, 20-year battery life and use of the Itron 100W technology make the Leak Sensor the single most advanced and practical leak monitoring solution in the industry today.

# **MLog Online**

MLog Online is the web based software where leak sensor information is stored. Presented on a Google map, MLog Online displays the current location of leak sensors throughout the city. MLog Online uses a three color indication system to determine the general security of the infrastructure being monitored by the leak sensors: Green represents little to no extraneous vibrations inside of the pipe, Teller represents a higher than normal vibration



pattern within the pipe, and Red Indicates the most positive indications that a leak exists somewhere in the surveyed area. When a leak is discovered and repaired, this information can be input into the software, creating a comprehensive library of maintenance information that can include dates, locations and names of leak investigators and repairers.

One of the greatest advantages to the web based software is the cloud based information storage. Through the web, itron is able to manage all user data, essentially eliminating the need to budget additional server space. Additionally, any updates manufactured by itron are seamlessly integrated into the software without additional charge or maintenance.

# DigiCorr

The Itron DigiCorr system is one of the industry's most comprehensive digital leak correlating tools. Utilizing a similar acoustic interrogation found in the Leak Sensor, the DigiCorr is not only able determine the existence of a leak, but also the exact location of the leak. The DigiCorr utilizes ALFA<sup>TM</sup> (Automated Leak Frequency Analysis), to differentiate between the specific vibration signature of a leak and other peripheral auditory interferences. Through this technology, and the extreme sensitivity of the unit's two accelerometers, the DigiCorr can be effectively deployed to investigate miles of pipe each day.

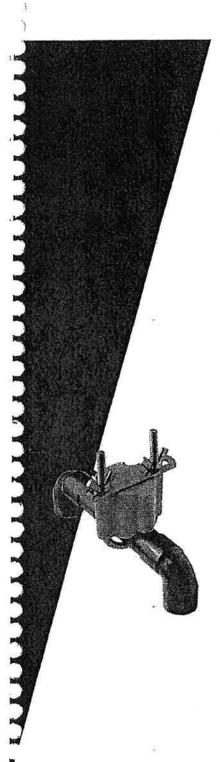
The DigiCorr has a database of fifteen different types of pipe material (including four specific plastic and poly pipe types), and can integrate up to four different lengths in a single survey. The auto save feature ensures that previous correlations can be retrieved to study, compare, or be tweaked at the behest of new information. The DigiCorr also listens in multiple directions, meaning that a single survey is not limited by the pre-set location of each accelerometer; if a leak exists beyond the current location of the unit, that information is quickly translated to the user so that the survey can be adjusted appropriately.

#### **DLD- Digital Leak Detector**

The Itron Digital Leak Detector (DLD) is a highly advanced ground microphone. Unlike other analog units, the DLD integrates digital filtration for purer sound and more accurate leak detection. The unit's five digital filters are capable of removing extraneous environmental noises such as high winds, loud animals and even high traffic noises. Additionally, the unit digitally displays a leak score index; after building a baseline, leak investigators are able to use the score to hone in on leaks they are not capable to hearing.



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# Leak Sensor

#### Overview

it's estimated that up to 30 percent of water pumped through distribution systems is lost to leaks. In today's conservation-driven environment, water losses — and associated pumping and treatment costs — add up quickly, Distribution leak detection, and keeping system losses minimal, are important operational concerns for water providers.

The Leak Sensor is an advanced approach to distribution system leak detection. Part of bron's advanced metering solution, for Water SaveSource and ChoiceConnect 100, the sensor is the result of merging the water meter module with an acoustic sensor to create a single point for collecting meter data and monitoring for distribution system leaks, Leak Sensor leverages the robust network of Water SaveSource and ChoiceConnect 100. It offers unattended daily monitoring of leaks in distribution lines for proactive leak detection and timely mitigation. This reduces non-revenue water losses, associated costs and potential service disruptions caused by major leak events.

The innovation behind the Leak Sensor is a vibration sensor, amplifier, processor, and bl-directional one-wire automated meter reading (AMR) interface. Every day the acoustic sensors analyze sound patterns in its environment, detecting new, evolving and pre-existing leaks automatically. Sensors attach to endpoints and transmit vibration recordings throughout the day along with other metering information through the fixed network to the utility. An Itron web interface mlogoriline Network Leak Monttoring System -- handles data Interpretation and analysis of the recordings and graphically displays all sensor locations using visual maps and satellite images, highlighting the status of leak locations. An expanding database of historical information provide comprehensive condition assessment of the entire water distribution system.

Simple, affordable and technically superior, the Leak Sensor is sensible leak detection and location at optimal cost. Best of eli, the Leak Sensor leverages the investment in fixed network meter data collection technology, often paying for itself within a few years.

# Specifications

#### Benefits

The Leak Sensor delivers unprecedented leak detection capabilities including:

- Advanced acoustic leak detection monitoring and mater data collection in a compact form for easy field installation and lower cost of ownership
- > Automated capture and data transmission of actual vibration recordings to the utility for advanced analysis and applications, rather than simple yes/no flags
- > Historical leak detection data for interpretation, prioritization and miligation

# **Techincal Specifications**

#### Sensing

- > Sensitivity: 1V/g
- > Range; Up to ±300 linear feet of pipe of any size
- > Bandwidth: 10Hz 1,000Hz

#### Power

> Source: Powered by the Water SaveSource Endpoint or ChoiceConnect 100W

#### Physical/Environmental

- $>\,$  Operating temperature: -10° to + 50° Celsius
- > Operating humidity: Up to 100% relative humidity
- > Product Identification: Numeric and bar-coded serial number
- Exposure rating: Sealed, waterproof and submersible IP68
- > Housing: Molded glass-filled polycarbonate
- > Weight: 1.5 ounces (45g)
- > Dimensions:
  - 1.2 x 1.5 (diameter) inches (3.0 x 3.8 cm)
- Installation options: Sensor is installed permanently either indoors or outdoors on the water service pipe, usually near a water meter with a u-bolt, back plate and wing nuts.

# About Itron Inc.

Itron Inc. is a leading technology provider to the global energy and water industries. Our company is the world's leading provider of intelligent metering, data collection and utility software solutions, with nearly 8,000 utilities worldwide relying on our technology to optimize the delivery and use of energy and water. Our products include electricity, gas, water and heat meters; data collection and communication systems, including automated meter reading (AMR) and advanced metering infrastructure (AMR); meter data management and related software applications; as well as project management, installation, and consulting services. To know more, start here: vxvv.incn.com.

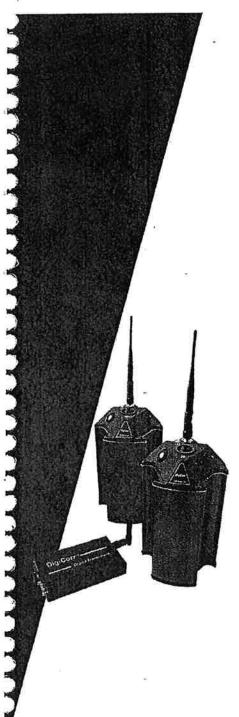


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Publication 100879SP-05 5/10



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# DigiCorr

Digital Leak Noise Correlator

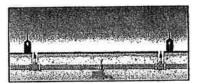
#### Introduction

The DigiCorr Leak Noise Correlator is the world's first and only digital correlator—uniquely designed to provide a complete solution to leakage management issues facing the modern water utility such as on demand, real-time leak pinpointing, flexible leak analysis, systematic leak surveying and the need for powerful leakage management tools. DigiCorr's patented computerized acoustic technology can accurately pinpoint pipeline leaks of all sizes within a typical error of less than three feet.

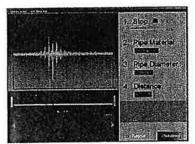
Using DigiCorr, water utilities can reduce their unaccounted-for water, realistically recovering 75 percent or more of their current leakage. By employing DigiCorr throughout their pipeline operations, utilities can increase their operational efficiency with proactive pipeline maintenance, improve their emergency management and customer satisfaction, and maximize revenues by delivering and billing for all water produced.

## Smart Listening

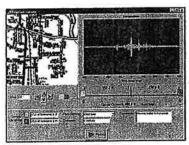
Digital correlation relies on vibration sensors that sense the turbulance from pipeline leaks. Turbulence from leaks in pressurfized pipelines creates traveling pressure waves which propagate through the fluid of a buried pipeline. The velocity of the propagation depends both on the fluid and on the dimensions and material of the pipe. Digital correlation measures the difference in propagation time of the pressure wave from the leak to each sensor. The exact location of the leak source is then pinpointed using the measured time and known velocity.



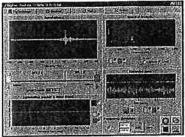
Installation



Rapid response



DigiCorr survey



Advanced anaylsis

#### How It Works

#### Deploy

Two Fleid Sensor Units (FSUs) are deployed at remote locations on the pipeline. FSUs mount non-intrusively on pipelines at long range up to one mile apart. The FSUs have precision time-keeping, processing and data storage capabilities, together with digital radio links to a rugged, portable PC. The FSUs are synchronized by radio from the PC and then make 90-second recordings. During the recording, the FSU processors independently assess the vibration signals, encode the leak sound component and save the recorded data in memory.

#### Retrieve & Analyze

After recording, data from the FSUs is transferred to PC via radio. Leak sources appear as peaks in the Correlation Display. DigiCorr's patented Advanced Leak Frequency Analysis (ALFATM) accurately and Individually pinpoints leaks within a few seconds following data transfer. ALFA uniquely processes each recorded leak sound, eliminating analog filtering and greatly accelerating the process of pinpointing a leak. ALFA improves the leak signal-to-noise ratio enabling detection of inaudible, difficult-to-find leaks and resolves multiple leak sounds simultaneously.

If a leak is present outside the span of the sensors, DigiCorr can detect the direction of the leak. One or both sensors can then be moved and a new recording made to pinpoint the leak. In this way, a significant length of pipe, such as a 20-mile section under failing hydrostatic test, can be quickly and effectively scanned to detect and pinpoint the location of leaks.

Systematic Leak Surveying
DigiCom integrates distribution system maps (from
paper copy, graphics files, GIS) directly into the
software user interface. Complete recordings are
saved automatically into a survey database, together
with associated map, pipe and correlation information.

Powerful Digital Processing
The difference in the digital technology used in

The difference in the digital technology used in DigiCorr versus the analog technology used in all other correlators is fundamental to DigiCorr's speed and accuracy. DigiCorr's digital technology senses leak noise significantly below the threshold of human hearing. The sound is immediately digitized at the sensor and transmitted with the quality of a CD recording.

- DigiCorr's sensitivity is approximately 30 times greater than analog technology
- > True digital recording and radio transmission preserves the fine detail of the leak sound, enabling pinpointing of even the quietest, most difficult-to-find leaks
- Unique capability of saving actual acoustic data to disk, enabling replay, print and email of leak data
- > Advanced signal processing such as ALFA, digital mapping and special processing for different types of pipes are only possible in a digital system



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# DLD

# Digital Leak Detector

#### Introduction

The Itron Digital Leak Detector (DLO) is the first true digital leak detector for buried distribution pipeline management. Lightweight and easy-to-use, DLD uses dynamic range compression and digital precision to identify leaks that are undetectable with other leak detectors.

# **Key Features**

#### Digital Audio Processor

- Dynamic range compression accentuates leak sounds and reduces loud noises
- > Hears leaks missed by other instruments
- > Precise digital filters block amblent noise
- > Automatic rejection of electrical interference (60dB)
- > Lightweight (< 1 lb.)
- > Wearable strap or belt clip

#### User Interface Buttons

- > LISTEN: Click on/off or press-and-hold to listen
- > VOLUME: 45 dB range in 29 steps
- > FILTER: Five digital filters for:
  - Ground (Gnd): Hard surfaces, soil, plastic pipe
  - Service (SEr): Service pipes
  - Contact (Con): Valve, hydrant, service connections
  - Survey (SUr): Surveying
  - Open (OPn): Full listening range

# High-Resolution, Waterproof Universal Sensor

- > Contact microphone for meters and fittings
- > Ground listening plate with quick-release sensor
- > Magnetic base for hydranis and valves

#### Smart Volume Limiting

- > Continuous, automatic volume protection
- > Suppresses clicks, pops and sudden loud sounds

#### Automatic Leak Location

Leak Index Score from 0 to 999 provides a visual determination when positioned over the leak

# Technical specifications

# Digital Audio Processor Unit

- > Frequency range: 30 4,000Hz
- > Power supply: 2 AA alkaline batteries
- > Battery life: >12.5 hours continuous listening
- > Display: LCD
- > Protection: IP54, weatherproof, splashproof
- > Weight: 15 oz (408.2 g)
- > Dimensions: 5" x 3.5" x 1.5" (12.7 cm x 8.9 cm x 3.8 cm)

#### Universal Sensor

- > High-resolution accelerometer
- > Sensitivity: 20 V/g
- > Resolution: 0.05 µg /VHz
- > Protection
  - IP68, waterproof, fully submersible
- Shockproof to 6,000 g

#### Ground Microphone Unit

- > Dimensions
- Height: 34" (86.36 cm)
- Disk: 4.5" (11.43 cm)
- > Weight: 2 lbs (910 g) with sensor attached
- > Materials:
  - Rod: Anodized aluminum
  - Disk: Stainless steel

#### Accessories

- > Carrying case: Rugged, lightweight
- > Probe: Stainless steel; connects to sensor

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Publication 100723SP-02 4/10

# Field Sensor Units (FSU)

#### Pipeline Sensors

- > Accelerometers
  - Sensitivity: 12 V/g
  - Noise: < 0.016 µg √Hz
  - Bandwidth: 1 4,000 Hz
- > Hydrophones are available for in-flow measurements

#### FSU Radio Transceivers

- > Noise-free digital transmission
- > ISM/LAN 2.4 GHz spread spectrum, license-free workdwide, FCC/ETSI approved
- > Range (line-of-sight) up to 10,000 feet (3 km)
- > Two-way communication with base station radio transceiver

#### Data Acquisition

- > Intelligent automatic gain: 10 80,000
- > 16-bit data acquisition, 92 dB dynamic range, sampling rate = 5 kHz

#### Power Supply

- > Intelligent power management
- > Up to 32 hours battery life, rechargeable & replaceable
- > Re-charger for FSUs from AC outlet or standard auto DC

# Physical Characteristics

- > Dimensions: 4.25" x 4" x 8" (10.8 cm x 10.2 cm x 20.3 cm)
- > Weight: 6.5 lbs (3 kg)
- > Rugged, metal, weatherproof enclosure

#### Base Station Computer

## Physical Characteristics

- Rugged (impact, grit, water-resistant) computer;
   Pentium processor, TFT color, bright
   sunlight-readable screen (DigiCorr software will
   run on any PC using Microsoft® Windows™
   with at least 32 MB RAM and 800 x 600
   display resolution)
- > Rugged, weather-resistant stereo headphones

#### Digital Radio Transceiver

- > Dimensions: 5" x 3.25" x 1" (12.7 cm x 8.3 cm x 2.5 cm)
- > Weight: 1 lb (0.5 kg)
- > Rugged, metal, weatherproof enclosure

#### DigiCorr Software

- > ALFATM (Automatic Leak Frequency Analysis)
- > Easy-to-use Microsoft® Windows®
- High-resolution display of correlation function, onscreen, landmarked location of detected leaks
- > Correlation range: ± 880 milliseconds
- > 15 types of pipe materials, including multiple sections of different pipes
- > Automatic sound velocity measurement
- > 16-bit stereo/mono sound playback
- > Visual inspection of sound recording
- > Spectral (FFT) analysis capability
- > Digital filters with full manual frequency band selection available:
  - High-pass: 1-2,000 Hz
  - Low-pass: 10-2,500 Hz In steps of 1 Hz
- > Automatic assessment of leak probability
- > Elimination of spurious noise events
- > Reanalysis of same data possible
- > Manual selection of possible leaks from correlation function
- > Data storage (any number of studies)
- > Database & mapping module

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Publication 100724SP-04 08/10



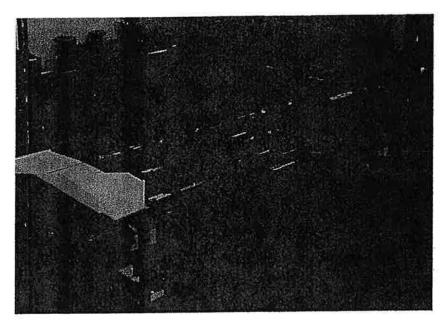
# **Meter Calibration Bench Testing Equipment**

MARS Company Series 5-1000 Test Bench System

The Series 5-1000 Test Bench System is designed to test meters ranging from 5/8" through 2".

The proposed system Test Bench System, with the optional Gravimetrics, includes scales and a computer system (hardware, software and console) and is compliant with American Water Works Association (AWWA) standards and is traceable to NIST (National Institute of Standards and Technology) Handbook 44 specifications.

The Series 5-1000 is a double row test bench with the ability to test up to ten (10) 5/8"x1/2" through 1" meters on one side of the bench and up to five (5) 1.5" to 2" meters on the other.



# Features include:

10 Gal./1 Cu.Ft. and 100 Gal./10 Cu.Ft. Stainless Steel Duplex Tank;
Three (3) precision rotometers that cover a flow range from .1 – 160 gpm;
Corrosive Protection (fusion invious coated steel bench frame);
All meter adapters, meter and adapter gaskets, manual flow control valves, document station, electric actuated clamping device and carrier bars;

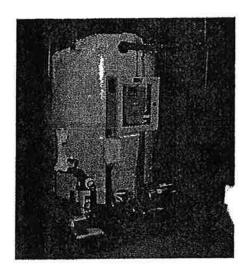
- Optional Gravimetric Weight Scale System with M3 Meter Management Software, Computer and Printer.



The optional Recirculation System recycles the test water used on the MARS Series 5-1000 Test Bench, maintaining volume and pressure to test all the meters at the recommended AWWA Specifications, per Table 5-3 of the current AWWA M6 Manual. The benefits provided by the Recirculation System include:

- Compliance with local, state and/or Federal laws and regulations as it reduces the chemicals released into the environment;
- An immediate reduction in consumption and water dumped to waste after each test;
- Improved customer perception as the City sets an example for water conservation practices.

The MARS Recirculation System includes a 500-Gallon polyethylene tank, supply and return pumps, all related piping, valves, VFD and chlorination system. A similar configuration is pictured below.



On-Site Start-up with MARS Personnel includes training, scale certification and installation supervision at your facility. We will allow two (2) days of bench set-up with your assistance, plus an additional day for the Recirculation System. This does not include work on main electrical power supply / components, main water supply / components or any building modifications that may be necessary. MARS Company will provide all data necessary to assist the City of Lodi and comply with all local, state and Federal standards.



The pricing for the Series 5-1000 Test Bench System is as follows:

Mars Series 5-1000 Test Bench MUN-200 Automated Dual Stage Shutdown		\$ 42,025.00 \$ 5,875.00
MOM-500 Willougten page 2008 2004	Subtotal	\$ 47,900.00
	Freight	\$ 3,000.00
CA Sales Tax	7.25%	\$ 3,472.75
County Sales Tax	0.50%	\$ 239.50
Local Sales Tax	1.00%	\$ 479.00
	Subtotal	\$ 55,091.25
Installation Assistance & Training		\$ 7,500.00
	Totai	\$ 62,591.25

The following items can be installed at the same time as the base test bench, or added at a later date:

### Phase II - or Optional Equipment

Gravimetric Weight Scale System with M3Meter		<b>7 22,</b> 300.00
management Software, Computer and Printer		
300-gallon Calibrated SS Tank w/scale		\$ 7,625.00
MARS Recirculation System		\$ 22,440.00
	Subtotal	\$ 61,065.00
CA Sales Tax	7.25%	\$ 4,427.21
County Sales Tax	0.50%	\$ 305.33
Local Sales Tax	1.00%	\$ 610.65
Freight		\$ 2,000.00
	Total	\$ 68,408,19

\$ 31,000.00

To purchase the complete bench and all additional Equipment as listed:

Complete Bench with All Options		\$ 108,965.00
CA Sales Tax	7.25%	\$ 7,899.96
County Sales Tax	0.50%	\$ 544.83
Local Sales Tax	1.00%	\$ 1,089.65
Freight		\$ 5,000.00
Installation Assistance & Training		\$ 7,500.00
	Total	\$ 130,999,44

Delivery is quoted as approximately 60-90 days after receipt of order (ARO).

Payment terms: Net 30 days after delivery – Pricing Subject to review by 12/31/2011

### Recordall® **Cold Water Bronze Disc Meter**

Size 3/4" (DN 20mm)

# **Technical Brief**

### DESCRIPTION

Badger Meter offers the Recordall Disc meter in two versions: Cast Bronze (M35 B81) and Envirobrass II (M35 EB2). The Envirobrass II version complies with NSF/ANSI Standard 61 and carry the NSF-61 mark on the housing. All components of the Envirobrass II meter, i.e., disc, chamber, housing, seals, etc., comprise the certified system.

APPLICATIONS: For use in measurement of potable cold water in residential, commercial and industrial services where flow is in one direction only.

OPERATION: Water flows through the meter's strainer and into the measuring chamber where it causes the disc to nutate. The disc, which moves freely, nutates on its own ball, guided by a thrust roller. A drive magnet transmits the motion of the disc to a follower magnet located within the permanently sealed register. The follower magnet is connected to the register gear train. The gear train reduces the disc nutations into volume totalization units displayed on the register dial face.

OPERATING PERFORMANCE: The Badger® Recordall® Disc meters meet or exceed registration accuracy for the low flow rates (95%), normal operating flow rates (100  $\pm$  1.5%), and maximum continuous operation flow rates as specifically stated by AWWA Standard C700.

CONSTRUCTION: Badger Recordall Disc meter construction, which complies with ANSI/AWWA standard C700, consists of three basic components: meter housing, measuring chamber, and permanently sealed register. The water meter is available in bronze and Envirobrass II with externally-threaded spuds. A corrosion-resistant thermoplastic material is used for the measuring chamber.

To simplify maintenance, the register, measuring chamber, and strainer can be replaced without removing the meter housing from the installation. No change gears are required for accuracy calibration. Interchangeability of parts among like-sized meters also minimizes spare parts inventory investment. The built-in strainer has an effective straining area of twice the inlet size.

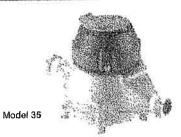
MAGNETIC DRIVE: Direct magnetic drive, through the use of highstrength magnets, provides positive, reliable and dependable register coupling for straight-reading, remote or automatic meter reading options.

SEALED REGISTER: The standard register consists of a straightreading odometer-type totalization display, 360° test circle with center sweep hand and flow finder to detect leaks. Register gearing consists of self-lubricating thermoplastic gears to minimize friction and provides long life. Permanently sealed; dirt, moisture, tampering and lens fogging problems are eliminated. Multi-position register simplifies meter installation and reading. Generator-type remote reading and automatic meter reading systems are available for all Recordall Disc meters. (See back of sheet for additional information.) All reading options are removable from the meter without disrupting water service.

TAMPER-PROOF FEATURES: Customer removal of the register to obtain free water can be prevented when the optional tamper detection seal wire screw or TORX® tamper resistant seal screw is added to the meter. Both can be installed at the meter site or at the factory.

MAINTENANCE: Badger Recordall Disc meters are designed and manufactured to provide long-term service with minimal maintenance. When maintenance is required, it can be performed easily either at the meter installation or at any other convenient location. As an alternative to repair by the utility, Badger offers various maintenance and meter component exchange programs to fit the needs of the utility.

CONNECTIONS: Tailpieces/Unions for installations of meters on various pipe types and sizes, including misaligned pipes, are available as an option.



### SPECIFICATIONS

Typical Operating Range (100% ± 1.5%)

3/4-35 GPM (.17 to 7.9 m3/hr)

Low Flow

3/8 GPM (.085 m3/hr)

(Min. 97%) Maximum

25 GPM (5.7 m<sup>3</sup>/hr)

Continuous Operation Pressure Loss

at Maximum

5 PSI at 25 GPM (.37 bar at 5.7 m3/hr)

Continuous Operation Maximum Operating

Temperature

80°F (26°C)

Maximum Operating Pressure

150 PSI (10 bar)

Measuring Element

Nutating disc, positive displacement

Register Type

Straight reading, permanently sealed magnetic drive standard.

Remote reading or Automatic Meter Reading units optional.

Register Capacity

10,000,000 Gallons, 1,000,000 Cubic Feet, 100,000 m³.

6 odometer wheels.

Meter Connections

Available in bronze and thermoplastic to fit 3/4" spud thread bore diameter sizes.

See table below.

### METER SPUD AND CONNECTION SIZES

Size Designation	×	"L" Laying Length	"B" Bore Dia.	Coupling Nut and Spud Thread	Tailpiece Pipe Thread (NPT)
3/4"	×	7½"	3/4"	1" (3/4")	3/4"
3/4"	х	9"	3/4"	1" (3/4")	3/4"
3/4" x1"	x	9"	3/4"	11/4" (1")	1*

### **MATERIALS**

Meter Housing Cast Bronze, Envirobrass II

Housing Bottom Plates

Bronze, Cast Iron, Envirobrass II

Measuring Chamber

Thermoplastic Disc Thermoplastic

Stainless Steel, Bronze

Trim

Strainer Thermoplastic

Disc Spindle Stainless Steel

Magnet Ceramic

Magnet Spindle

Stainless Steel

Register Lid and Shroud

Thermoplastic, Bronze

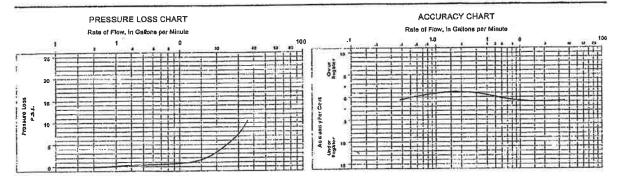
Generator Housing Thermoplastic



### **Automatic Meter Reading Systems**

### AMR

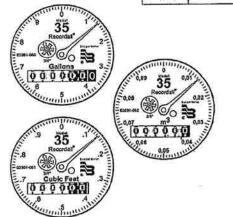
The Itron®, ORION® and TRACE® radio frequency systems easily integrate with all Recordall® Disc meters. All technologies provide an efficient meter data retrieval and information management system. The Itron 50W ERT®, ORION Transmitter and the TRACE Transponder all connect to the Recordall Transmitter Register (RTR®) assembly. Complete systems, including hardware and software, are available to provide a wide range of meter reading information.

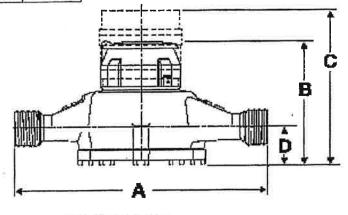


METER SIZE	METER MODEL	A LAYING LENGTH	B HEIGHT REG.	C HEIGHT GEN.	D CENTERLINE BASE	WIDTH	APPROX. SHIPPING WEIGHT
³/₄"	35	71/2"	5 <sup>1</sup> /4"	6 <sup>5</sup> /a"	15/6"	5"	5½ lb.
(20mm)		(190mm)	(133mm)	(168mm)	(41mm)	(127mm)	(2.5kg)
3/4"	35	9"	51/4"	65/e"	1 <sup>5</sup> /e"	5"	5 <sup>3</sup> / <sub>4</sub> lb.
(20mm)		(229mm)	(133mm)	(168mm)	(41mm)	(127mm)	(2.6kg)
³/4" x 1"	35	9"	51/4 <sup>4</sup>	85/a"	15/6"	5"	6 lb.
(20mm)		(229mm)	(133mm)	(168mm)	(41mm)	(127mm)	(2.7kg)

### Sweep Hand Registration

MODEL	GALLON	CU.FT.	CU. METER
M35	10	1	-1





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# BadgerMeter,Inc.

P.O. Box 245036, Milwaukee, WI 53224-9536 (800) 876-3837 / Fax: (888) 371-5982 www.badgermeter.com

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### Recordall® **Cold Water Bronze Disc Meter**

### Size 1" (DN 25mm) Model 55

# **Technical Brief**

### **DESCRIPTION**

Badger Meter offers the Recordall Disc meter in Cast Bronze and a Low Lead Alloy. The Low Lead Alloy (Trade Designation: M55 LL) version complies with NSF/ANSI Standard 61 and carries the NSF-61 Mark on the housing. All components of the Low Lead Alloy meter, i.e., disc, chamber, housing, seals, etc., comprise the certified system.

APPLICATIONS: For use in measurement of potable cold water in residential, commercial and industrial services where flow is in one direction only

OPERATION: Water flows through the meter's strainer and into the measuring chamber where it causes the disc to nutate. The disc, which moves freely, nutates on its own ball, guided by a thrust roller. A drive magnet transmits the motion of the disc to a follower magnet located within the permanently sealed register. The follower magnet is connected to the register gear train. The gear train reduces the disc nutations into volume totalization units displayed on the register dial face.

OPERATING PERFORMANCE: The Badger Recordall Disc meters meet or exceed registration accuracy for the low flow rates (95%), normal operating flow rates (100 ± 1.5%), and maximum continuous operation flow rates as specifically stated by AWWA Standard C700.

CONSTRUCTION: Badger Recordall Disc meter construction, which complies with ANSI/AWWA standard C700, consists of three basic components: meter housing, measuring chamber, and permanently sealed register. The water meter is available in bronze and Low Lead Alloy with externally-threaded spuds. A corrosion-resistant thermoplastic material is used for the measuring chamber.

To simplify maintenance, the register, measuring chamber, and strainer can be replaced without removing the meter housing from the Installation. No change gears are required for accuracy calibration. Interchangeability of parts among like-sized meters also minimizes spare parts inventory investment.

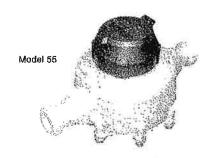
MAGNETIC DRIVE: Direct magnetic drive, through the use of highstrength magnets, provides positive, reliable and dependable register coupling for straight-reading, remote or automatic meter reading options.

SEALED REGISTER: The standard register consists of a straightreading odometer-type totalization display, 360° test circle with center sweep hand and flow finder to detect leaks. Register gearing consists of self-lubricating thermoplastic gears to minimize friction and provides long life. Permanently sealed; dirt, moisture, tampering and lens fogging problems are eliminated. Multi-position register simplifies meter installation and reading. Generator-type remote reading and automatic meter reading systems are available for all Recordall Disc meters. (See back of sheet for additional information.) All reading options are removable from the meter without disrupting water service.

TAMPER-PROOF FEATURES: Customer removal of the register to obtain free water can be prevented when the optional tamper detection seal wire screw or TORX® tamper resistant seal screw is added to the meter. Both can be installed at the meter site or at the factory.

MAINTENANCE: Badger Recordall Disc meters are designed and manufactured to provide long-term service with minimal maintenance. When maintenance is required, it can be performed easily either at the meter installation or at any other convenient location. As an alternative to repair by the utility, Badger offers various maintenance and meter component exchange programs to fit the needs of the utility.

CONNECTIONS: Talipieces/Unions for installations of meters on various pipe types and sizes, including misaligned pipes, are available as an option.



### **SPECIFICATIONS**

Typical Operating Range (100% ± 1.5%)

1-55 GPM (.23 to 12.5 m3/hr)

Low Flow

1/2 GPM (.11 m3/hr)

(Min. 95%) Maximum

40 GPM (9.1 m³/hr)

Continuous Operation Pressure Loss

3.4 PSI at 40 GPM

at Maximum Continuous Operation

(.23 bar at 9.1 m3/hr)

Maximum Operating 80°F (26°C) Temperature

Maximum Operating Pressure

150 PSI (10 bar)

Measuring Element Nutating disc, positive displacement

Register Type

Straight reading, sealed magnetic drive standard. Remote reading

or Automatic Meter Reading units optional.

Register Capacity

10,000,000 Gallons,

1,000,000 Cubic Feet, 100,000 m3.

6 adometer wheels.

**Meter Connections** 

Available in bronze and thermoplastic to fit 1" (DN 25mm) spud thread bore

diameter sizes. See table below.

### METER SPUD AND CONNECTION SIZES

Size Designation	n x	"L" Laying Length	"B" Bore Dia.	Coupling Nut and Spud Thread	Taliplece Pipe Thread (NPT)
1"	x	10 3/4"	1"	1 1/4" (1")	1'

### **MATERIALS**

Meter Housing Cast Bronze, Low Lead Alloy

Housing Bottom Plates Bronze, Cast Iron, Low Lead Alloy

Measuring Chamber Thermoplastic

Disc Thermoplastic

Stainless Steel, Bronze Trim

Thermoplastic Strainer Disc Spindle Thermoplastic

Magnet Polymer Bonded

Magnet Spindle Thermoplastic

Register Lid and Shroud Thermoplastic, Bronze

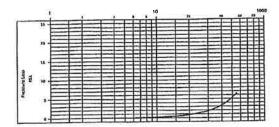
Generator Housing Thermoplastic



BadgerMeter, Inc. \_

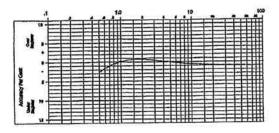
**RD-T-55** 

### PRESSURE LOSS CHART Rale of Flow, in Gallons per Minute



### ACCURACY CHART

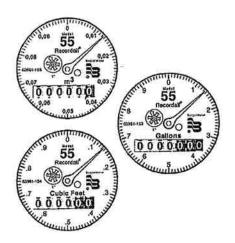
Rate of Flow, in Gallons pay Minute

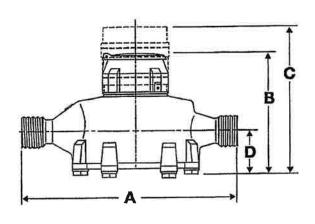


METER SIZE	METER MODEL	A LAYING LENGTH	B HEIGHT REG./RTR	B HEIGHT TO ADE	C HEIGHT GEN.	CENTERLINE TO BASE	HTGIW	METER WEIGHT
1" (25mm)	55	10 3/4" (273mm)	6° (152mm)	6 1/2" (165mm)	7 3/8" (187mm)	2 1/32° (52mm)	6 1/4* (159mm)	8.75 lbs.

Sweep Hand Registration

	MODEL	GALLON	CU.FT.	CU. METER	
Ì	M55	10	1	.,1	





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### Recordall® Cold **Water Top Load Bronze Disc Meter**

### Size 2" (DN 50mm) **ANSI/NSF Standard** 61 Certified, Annex G

# **Technical Brief**

### DESCRIPTION

Badger Meter offers the Recordell Disc meter in Cast Bronze and a Low Lead Alloy. The Low Lead Alloy (Trade Designation: M170 LL) version complies with ANSI/NSF Standard 61, Annex G and carries the NSF-61 Mark on the housing. All components of the Low Lead Alloy meter, i.e., disc, chamber, housing, seals, etc., comprise the certified system.

APPLICATIONS: For use in measurement of potable cold water in residential, commercial and industrial services where flow is in one direction only.

OPERATION: Water flows through the meter's strainer and into the measuring chamber where it causes the disc to nutate. The disc, which moves freely, nutates on its own ball, guided by a thrust roller. A drive magnet transmits the motion of the disc to a follower magnet located within the permanently-sealed register. The follower magnet is connected to the register gear train. The gear train reduces the disc nutations into volume totalization units displayed on the register dial face.

OPERATING PERFORMANCE: The Badger Recordall Disc meters meet or exceed registration accuracy for the low flow rates (95%), normal operating flow rates (100 ± 1.5%), and maximum continuous operation flow rates as specifically stated by AWWA Standard C700.

CONSTRUCTION: Badger Recordall Disc meter construction, which compiles with ANSI/AWWA standard C700, consists of three basic components; bronze meter housing, measuring chamber, and permanently, sealed register. A corrosion-resistant thermoplastic material is used for the measuring chamber.

To simplify maintenance, the register, measuring chamber, and strainer can be replaced without removing the meter housing from the installation. No change gears are required for accuracy calibration. Interchangeability of parts among like-sized meters also minimizes spare parts inventory investment. The built-in strainer has an effective straining area of twice the inlet size.

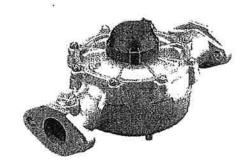
MAGNETIC DRIVE: Direct magnetic drive, through the use of highstrength magnets, provides positive, reliable and dependable register coupling for straight-reading, remote or automatic meter reading options.

SEALED REGISTER: The standard register consists of a straight-reading, cdometer-type totalization display, 360° test circle with center sweep hand and flow finder to detect leaks. Register gearing consists of self-lubricating thermoplastic gears to minimize friction and provides long life. Permanently seated; dirt, moisture, tampering and lens logging problems are eliminated. Multi-position register simplifies meter installation and reading. Generator-type remote reading and automatic meter reading systems are available for all Recordall Disc meters. All reading options are removable from the meter without disrupting water service.

TAMPER-PROOF FEATURES: Customer removal of the register to obtain free water can be prevented when the optional tamper detection seal wire screw/or Tonx<sup>a</sup> tamper seal resistant screw is added to the meter. Both can be installed at the meter site or at the factory.

MAINTENANCE: Badger Recordall Disc meters are designed and manufactured to provide long-term service with minimal maintenance. When maintenance is required, it can be performed easily either at the meter installation or at any other convenient location. As an alternative to repair by the utility, Badger offers various maintenance and meter component exchange programs to lit the needs of the utility.

CONNECTIONS: Tailpleces/Flanges for installations of meters on various pipe types and sizes, including misaligned pipes, are available as an option.



Model 170 shown with optional 1" Test Plug

### SPECIFICATIONS

Typical Operating Range (100% ± 1.5%) 2 1/2 -170 GPM (.57 to 39 m<sup>3</sup>/hr)

Low Flow

(Min.: 95%)

1 1/2 GPM (.34 m³/hr)

Maximum Continuous Operation

100 GPM (23 m³/hr)

Pressure Loss at Maximum 3.3 PSI at 100 GPM (.23 bar at 23 m³/hr)

Continuous Operation Maximum Operating Temperature

80°F (26°C)

Maximum Operating Pressure

150 PSI (10 bar)

**Measuring Element** 

Nutating disc, positive displacement

Register Type

Straight reading, permenently sealed magnetic drive standard. Remote reading or Automatic Meter

Reading units optional.

Registration **Register Capacity** 

100 Gallons, 10 Cubic Feet, 1 m3

100,000,000 Gallons, 10,000,000 Cubic Feet, 1,000,000 m<sup>3</sup>. 6 odometer wheels.

**Meter Connections** 

2° AWWA two bolt elliptical flange, drilled, or 2" - 11 1/2 NPT

**Optional Test Plug** 

internal pipe threads. 1" NPT test plug (TP) available on elliptical

### long and short versions.

Meter Housing

Cast Bronze, Low Lead Alloy

**Housing Top Plates** 

Bronze, Low Lead Alloy

Thermoplastic

**MATERIALS** 

Measuring Chamber Disc

Thermoplastic

Trim

Staloless Steel/Bronze Thermoplastic

Strainer Disc Spindle

Stainless Steet

Magnet

Ceramic

**Magnet Spindle** 

Stainless Steel

Register Ltd and Box

Thermoplastic or Bronze

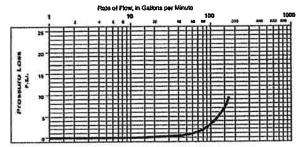
**Generator Housing** 

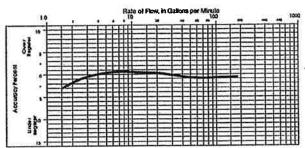
Thermoplastic



### PRESSURE LOSS CHART

### ACCURACY CHART





METER SIZE	METER MODEL	A LAYING LENGTH	B HEIGHT REGJ/RTR	C HEIGHT GEN.	D CENTERLINE BASE	WIDTH	APPROX. SHIPPING WEIGHT
2°	170 EL, Hex.	15½"	8"	9 <sup>3</sup> / <sub>s</sub> *	2 <sup>7</sup> / <sub>8</sub> "	9½°	30 lb.
(50mm)	170 EL, TP	(387mm)	(203mm)		(73mm)	(241mm)	(13.6kg)
2"	170 ELL,	17'	8"	9 <sup>3</sup> / <sub>8</sub> "	2 <sup>7</sup> / <sub>8</sub> "	9 <sup>1</sup> / <sub>2</sub> *	30 lb.
(50mm)	170 ELL, TP	(432mm)	(203mm)	(238mm)	(73mm)	(241mm)	(13.6kg)

EL = Elliptical

ELL = Elliptical Long

Hex = Hexagon, 2" - 111/2 NPT Thread

TP=Test Plug 1\*

 $\langle \cdot \rangle$ 

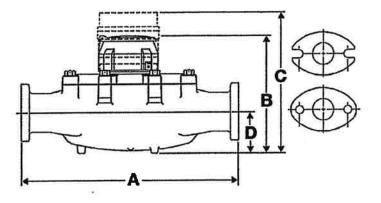
Sweep Hand Registration

MODEL	GALLON	CU.FT.	CU. METER
M170	100	10	1









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**Badger Meter** 

P.O. Box 245036, Milwaukee, WI 53224-9536 (800) 876-3837 / Fax: (888) 371-5982 www.badgermeter.com

### **Model ADE**

### **Absolute Digital Encoder**

# Technical Brief

### Description

Applications: The Absolute Digital Encoder (ADE®) is designed for use with all Recordall® Disc, Turbo, Compound and Fire Service meters to provide connectivity with ORION®, Badger® ERT®, BadgerTouch® and Badger Meter approved AMR technology solutions.

Electronic Resolution: Digital output from the ADE includes the option of either four, five or six dial resolution. Refer to tables on the next page for details.

Mounting: The ADE in its shroud assembly uses a bayonet mount compatible with all Recordall Disc, Turbo, Compound and Fire Series meters. The bayonet mount allows positioning of the register in any of four orientations for visual reading convenience. The ADE can be removed from the meter without disrupting water service.

Magnetic Drive: A direct-drive, high-strength magnetic coupling through the meter body to the wetted magnet provides reliable and dependable register coupling.

Local Indication: The ADE register face features a six-digit mechanical odometer wheel stack, a 360° test circle with sweep hand, and a flow finder to indicate leaks.

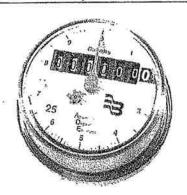
Tamper-Resistant Features: Unauthorized removal of the ADE is inhibited by a tamper resistant Torx® seal screw, provided as a standard accessory with the ADE. An optional tamper detection seal wire screw is also available.

Construction: The housing of the ADE is constructed of a strengthened glass lens top and a corrosion-resistant metal bottom. Internal construction materials are thermoplastic for long life and high reliability. The register gearing is self-lubricating thermoplastic to minimize friction and provide long, reliable life. The shroud assembly is thermoplastic.

Temperature: The operating range of the ADE is -40° C to 60° C (-40°F to 140°F). The water meter should not be subjected to temperatures below freezing.

Sealing: The ADE achieves true water resistance due to the adhesive technology used to seal the glass dome to the corrosion resistant metal bottom. Leak rates less than 10° cc/sec, as tested by a helium mass spectrometer, are comparable to a true hermetic seal. Due to this unique sealing process, the ADE exceeds all applicable requirements of AWWA Standard C707 regarding moisture intrusion.

Wire Connections: The ADE is available with either a wire lead, fully potted to prevent moisture intrusion at the connections, or with terminal screws. When provided with a wire lead, the ADE may be pre-wired at the factory to select Badger Meter-approved AMR devices, or may be furnished with a variety of lead wire lengths. Lead wire equipped ADE registers are suitable for installation in all environments,



### **Specifications**

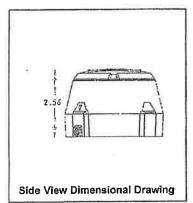
Transmitter/Register	Straight reading, permanently sealed, magnetic drive			
Unit of Measure	U.S. Gallons, Cubic Feet, Cubic Meters, clearly identified on register face			
Number Wheels	Six with 3/16-Inch high numerals			
Test Circle	360° circle with ten major increments with ten divisions each			
Weight	11 Ounces			
Humidity	0% to 100% condensing when equipped with potted lead wire, 0% to 95% non-condensing with screw-terminal wire connections			
Temperature	-5° F to 120° F (-20° C to 49° C)			
Signal Output	Industry Standard ASCII Format			
Visual Resolution	1/100th of Test Circle			
Electronic Resolution	Four-, five- or six-dial resolution			
Signal Type	Two-wire asynchronous for Touch Solutions			
Power Source	External			

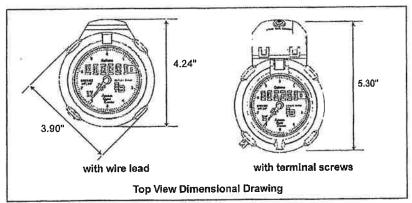
including continuously submerged water meter pits. The terminal screw version ADE features a tamper-resistant cap over the three-wire terminals. ADE registers with terminal screws are for indoor installation in protected environments, such as residential basements.

Electrical: The electronic circuitry is designed to provide immunity to electrical surges and transients per IEC801-2, IEC801-4 Severity Level 4. Operation of the ADE is dependent on the wire length limitations of connected AMR equipment.

Operating Characteristics: The digital reading obtained by an AMR device is sensed directly from the position of the ADE register's odometer using internal LED light paths to determine the exact position of each number wheel. This technology eliminates electromechanical contacts that could wear out, and provides greater long-term performance.







Measurement Resolution: The minimum electronic resolution of the ADE is as noted below (6 Dial Reading). To verify the correct resolution for your application, contact Badger Meter Customer Service.

RECORDALL® Disc Series	Size	6 Dial Resolution Gallons	6 Dial Resolution Cublc Feet (Ft³)	6 Dial Resolution Cubic Meters (m³)
M25	5/8"	10	1	0,1
M25	3/4"	10	1	0.1
M35	3/4"	10	1	0.1
M40	1"	10	1	0.1
M55	1"	10	1	0.1
M70	1"	10	1	0.1
M120	1 1/2"	100	10	1
M170	2"	100	10	1

RECORDALL Turbo Series	6 Dial Resolution Gallons	6 Dial Resolution Cubic Feet (Ft²)	6 Dial Resolution Cubic Meters (m³)
1 1/2"	100	10	1
2" .	100	10	1
3"	100	10	1
4"	100	10	1
6"	1000	100	10
8"	1000	100	10
10"	1000	100	10
12"	10000	1000	10
16"	10000	1000	10
20"	10000	10000	10
	and the second second	the second secon	

Fire Service Meters	6 Dial Resolution Gallons	6 Dial Resolution Cubic Feet (Ft³)	6 Dial Resolution Cublc Meters (m³)
3"	100	10	1
4"	100	10	1
6"	1000	100	10
8"	1000	100	10
10"	1000	100	10
RECORDALL Compound Series	6 Dial Resolution Gallons	6 Dial Resolution Cubic Feet (Ft³)	6 Dial Resolution Cubic Meters (m³)
2" High Side (Turbine)	100	10	1
• , ,	10	1	0.1
2" Low Side (PD)			
2" Low Side (PD) 3" High Side (Turbine)	100	10	1

10 Resolution stated as individual high and low readings.

100

10 1000 10

100

1 0.1

10

0.1

## **ACAUTION**

4" High Side (Turbine)

6" High Side (Turbine)

4" Low Side (PD)

6" Low Side (PD)

The ADE should only be connected to a Badger Meter, Inc. approved product. Connection to an unapproved product will void the ADE warranty.

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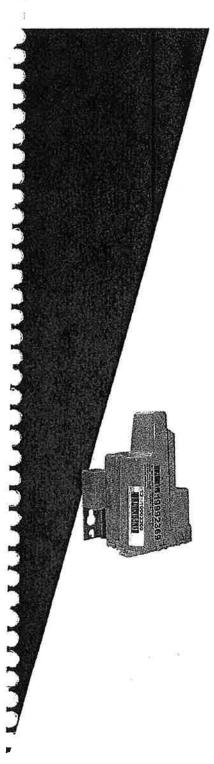
BadgerMeter, Inc.

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Knowledge to Shape Your Future



# 100 Series

Water Endpoint

Introduction

The 100 Series water endpoint is the latest addition to litron's portfolio of advanced water metering devices. Featuring a compact design, industry-leading battery life and technology designed to adapt and grow with your business, the 100 Series can help you streamline your operations and maximize your resources today and into the future.

100 Series endocints are available in two housing designs, supporting both water pit and remote installations. These endpoints offer advanced meter data collection designed specifically for the collection systems of Itron's ChoiceConnect $^{\mathsf{TM}}$  solution, including mobile collection and fixed network systems, 100 Series endpoints differentiate themselves from other devices on the market by providing true two-way communications capabilities. Engineered from the ground up to leverage the benefits of ChoiceConnect, 100 Series devices enable easy migration from mobile to fixed network. operations as your business needs evolve. And with ChoiceConnect's™ complementary technology, mobile and fixed network systems can be mixed-and-matched to ensure maximum efficiency and reliability in both high- and low-density meter populations.

Water meter compatibility

The 100 Series water endpoint is compatible with industry-leading water meters from fron—as well as those from manufacturers such as Badger, Elster AMCO, Hersey, Metron Familer, Neptune and Sensus—enabling water utilities to consolidate all their water meters under a single reading system. Powered by advanced lithium battery technology, the endpoint is designed for greater than 20 years of battery life. Battery life is reduced if mobile hard-to-read mode is activated.

Data logging

The 100 Series water endpoint stores 40 days of hourly consumption information, offering the advantages of a fixed network system and the capabilities of a mobile system. This data is available in four basic packets and readable with the fixed network system as well as mobile:

- > Any reading within the last 40 days
- > A set of 24 consecutive hourly intervals
- > A set of 40 daily intervals
- > A set of 40 days of hourly intervals

Ease of installation

The 100 Series water endpoint includes integral mounting adapters to install the device below compatible meter pit lids, by mounting directly to the meter body or using a standard-dimension fiberglass rod. A shelf-mount adapter is available for use with lids that contain a recessed cavity on the underside of the pit. Additionally, a remote antenna is available for through-lid installations (for lids utilizing a 1.75-inch hote). Both models can also be screw-fastened to flat surfaces. The compact design of the 100 Series endpoint, coupled with an optional in-line register cable connector (pit version only), make installations up to 25 feet from the water meter quick and easy.

The encoder version does not require any programming—it automatically detects the register type within one hour of being connected, 100 Series devices do not require a FCC Icense.

Leak management

Water loss management is critical to any water utility's success. 100 Series water endpoints connect to firon's advanced acoustic leak sensors. These sensors collect and analyze sound patterns in their environment to detect new, evolving and pre-existing leaks automatically with web based application miogoniline. Leak sensor technology coupled with the endpoint's internal metered leak logic and the option to use data from groups of 100 Series devices (District Metering) provide the utility with a highly accurate picture of the overall health of the water distribution system.

### Superior performance

The 100 Series water endpoints utilize 50 radio channels randomly, selecting one channel for each data message. This multi-channel approach delivers higher read integrity over competing products by reducing the effect of interfering signals from other radio frequency (RF) signals in the area.

### Reliability

100 Series water endpoints feature a circuit assembly and battery pack that are fully encapsulated within a specially-formulated potting material to completely protect internal components from water, contaminants, corrosion, rough handling and temperature cycling. With their straight forward design, 100 Series devices use substantially fewer components than most competing products, resulting in greater reliability. The advanced, integrated antenna operates effectively in a wide range of meter box installations; the design and use of the optional remote pit antenna protects 100 Series water endpoints from lawn mowers, vehicle traffic and other environmental hazards. The 100W is backed by a 20 year limited warranty which starts at time of shipment.

### Lower cost of ownership

100 Series devices feature industry-leading battery life, ensuring your automated meter reading (AMR) investment achieves substantially better financial returns than competing products with batteries that typically last only ten or twelve years. Additionally, with advancements in leak reverse flow (encoder version only) and tamper detection, 100 Series water endpoints necessitate fewer field investigations and substantially lower expenditures for installation, meter reading, customer service and field service. And with a low battery alarm, these endpoints help utilities better plan and manage the replacement of units in the field.

### 100W specifications

### Functional

- > Power Source: Two "A" cell lithlum batteries warranted for 20 years
- Maximum meter register pulse frequency (pulse version only): 4 Hertz
- > Operating temperature: -40°F to +158°F (-40°C to +70°C)
- Storage temperature: -40°C to + 75°C for maximum of 1,000 hours
- > Humidity limits: 0 to 100% (submersible)
- > Maximum register cable dimension: 300 feet with Itron-approved cable and splice connectors
- Meter compatibility: See Water Endpoint Meter Compatibility Guide (PUB-0063-002)

### Transmission parameters

- Data message: Multiple RF channel transmissions of meter register value, cut cable and or communication error tamper(s), reverse flow (encoder version only) and system leak status messages, as well as low battery indicator is transmitted every nine seconds in mobile mode. In fixed network mode all this information plus the last 8 time synchronized consumption intervals is transmitted every five minutes. Also during fixed network mode, our standard consumption message and communication flags are transmitted every minute to allow for contingency reads
- > Transmitter frequencies: 910 920 MHz (Low Power) in mobile mode. 910 - 920 MHz (High Power) in fixed network & mobile hard-to-read modes

### Approved reading devices

- Network system: Itron Fixed Network 100
   Series COU and Data Repeaters (full two-way communication capability)
- > Drive-by system: Itron Mobile Collection System\* and Mobile Collector Lite\*
- > Walk-by system: Itron FC200SR\* and FC300SR handheld computers

### Approved programming device

- > FC200SR with Field Deployment Manager (FDM) version 1.0 or higher software
- > FC300 SRead with Field Deployment Manager (FDM) version 1.0 or higher software

### Dimensions

- > Height: 4.5 inches
- > Maximum diameter:
  - Lower: 3.90 Inches
  - Upper: Approx. 1.70 Inches
- > Weight: Approx. 9.6 oz.
- > Endpoint cable length without in-line connector: 5 feet and 20 inches (for register direct mounting)
- > In-line connector register cables: 5 feet and 25 feet

### Mounting options

- > Custom-fastener slots for future attachment to OEM mounting adapters
- > Rod-mount using standard 1/2-inch fiberolass rod or similar products
- > Pit lid shelf-mount using snap-on shelf mounting adapter
- > Wall-mount to suitable backing material with user-supplied mounting screws
- > Through meter pit/box lids with optional remote pit antenna for 1.75-inch diameter holes up to 2.5-inch maximum lid thickness

### Regulatory and standards

- > FCC Part 15.247
- > Industry Canada #210, Section 6.2.2(o)

"Harriwane/Software upgrades/updates may be required

About Itron Inc. Iron Inc. is a leading technology provider to the global energy and water Industries. Our company is the world's leading provider of intelligent metering, data collection and utility software solutions, with nearly 8,000 utilities worldwide relying on our technology to optimize the delivery and use of energy and water. Our products include electricity, gas, water and heat meters; data collection and communication systems, including automated meter reading (AMR) and advanced metering infrastructure (AMR); meter data management and related software applications; as well as project management, installation, and consulting services. To know more, start here: www.iron.com

Itrón

Corporate Headquarters 2111 North Molter Road Liberty Lake, WA 99019 USA Phone: 1.800.635.5461 Fax: 1.509.891.3355 www.itron.com

Publication 101020SP-02 06/10



### **Warranties**

# Itron

·	I - II - I - I - I - I - I - I - I - I
100W Series Water	Full warranty consistent with the warranty terms in the
Endpoints (including battery)	Agreement for the first 10 years from shipment.
	For warranty claims in years 11 through 15, Itron's sole
	obligation will be to provide Customer with a discount on
	replacement product equal to 50 percent of its then-current
	list price for the replacement product.
	For warranty claims in years 16 through 20, Itron's sole
	obligation will be to provide Customer with a discount on
	replacement product equal to 25 percent of its then-current
	list price for the replacement product.
Leak Sensor	Full warranty consistent with the warranty terms in the
	Agreement for the first 10 years from shipment.
	For warranty claims in years 11 through 15, Itron's sole
	obligation will be to provide Customer with a discount on
	replacement product equal to 50 percent of its then-current
	list price for the replacement product.
	For warranty claims in years 16 through 20, Itron's sole
	obligation will be to provide Customer with a discount on
	replacement product equal to 25 percent of its then-current
	list price for the replacement product.
Digital Leak Detector	14 months from shipment
DigiCorr Leak Correlator	14 months from shipment

### Badger Meter



This warranty shall apply to all Recordall® Non-Leaded Bronze Disc Meters, models LP through 170 when used to measure potable water; and the registers, generators, and encoders used with these meters (collectively "Product"), sold on or after September 1, 2007. This warranty is extended only to utilities, municipalities, other commercial users and authorized Badger Meter, Inc. ("Badger") distributors, hereafter referred to as "Customer" and does NOT apply to consumers.

Badger warrants Product to be free from defects in materials and workmanship appearing within the earlier of the following time-

Twenty (20) years after installation; or twenty (20) years and six (6) months after shipment from Badger.

Twenty-five (25) years after installation; or twenty-five (25) years and six (6) months after shipment from Badger.

Ton (10) years after installation; or ten (10) years and six (6) months after shipment from Badger.

Five (5) years after Installation; or five (5) years and six (6) months after shipment from Badger.

Filteen (15) years after installation; or fifteen (15) years and six (6) months after shipment from Badger.

One (1) year after installation; or one (1) year and six (6) months after shipment from Badger.

The meter product will meet or exceed new meter accuracy standards set forth in AWWA Standard C700-02 for the following

Model LP Recordall 5/8" and 5/8" x 3/4"
Five (5) years from date of shipment or registration of 750,000 gallons, whichever occurs first

Model 26 Recordall 5/8" and 5/8" x 3/4" Five (5) years from date of shipment or registration of 750,000 gallons, whichever occurs first.

### Model 35 Recordall 3/4"

Five (5) years from date of shipment or registration of 750,000 gallons, whichever occurs first.

### Model 55 Recordall 1"

Five (5) years from date of shipment or registration of 1,000,000 gallons, whichever occurs first.

### Model 70 Recordall 1"

Five (5) years from date of shipment or registration of 1,100,000 gallons, whichever occurs first.

Model 120 Recordall 1-1/2"
Two (2) years from date of shipment or registration of 1,600,000 gallons, whichever occurs first.

### Model 170 Recordali 2"

Two (2) years from date of shipment or registration of 2,100,000 gallons, whichever occurs first.

The meter product will meet or exceed repaired meter accuracy standards set forth in AWWA Manual M-6, Chapter 5 (1999) Table 5.3 for the following periods:

Model LP Recordal 5/8" and 5/8" x 3/4"
Fifteen (15) years from date of shipment or registration of 2,500,000 gallons, whichever occurs first, with a 20 gpm safe maximum operating capacity and a 10 gpm maximum rate for continuous operation.

### Model 25 Recordati 5/8" and 5/8" x 3/4"

Fifteen (15) years from date of shipment or registration of 2,500,000 gallons, whichever occurs first, with a 25 gpm sale maximum operating capacity and a 15 gpm maximum rate for continuous operation.

### Model 35 Recordali 3/4"

Fifteen (15) years from date of shipment or registration of 2,500,000 gallons, whichever occurs first, with a 35 gpm sale maximum operating capacity and a 25 gpm maximum rate for continuous operation.

### Model 55 Recordall 1"

Fifteen (15) years from date of shipment or registration of 3,000,000 gallons, whichever occurs first, with a 55 gpm sale maximum operating capacity and a 40 gpm maximum rate for continuous operation.

### Model 70 Recordall 1"

Fifteen (15) years from date of shipment or registration of 3,250,000 gallons, whichever occurs first, with a 70 gpm sale maximum operating capacity and a 50 gpm maximum rate for continuous operation.

Model 120 Recordall 1-1/2" Filteen (15) years from date of shipment or registration of 5,600,000 gallons, whichever occurs first, with a 120 gpm safe maximum operating capacity and a 80 gpm maximum rate for continuous operation.

### Model 170 Recordall 2"

Filteen (15) years from date of shipment or registration of 10,400,000 gallone, whichever occurs first, with a 170 gpm safe maximum operating capacity and a 100 gpm maximum rate for continuous operation.

### BADGER METER EXTENDED LOW FLOW METER

Badger Meter further warrants the meter product to meet or exceed the following extended low flow accuracies in excess of AWWA standard:

Model LP Recordal 5/8" and 5/8" x 3/4"
Badger warrants Product low flow accuracy of 98.5% at a rate of 1/4 gpm and low flow accuracy of 95.0% at a rate of 1/8 gpm for five (5) years from date of shipment or registration of 675,000 gallons, whichever occurs first.

Model 25 Recordall 5/8" and 5/8"  $\times$  3/4" Bedger warrants Product low flow accuracy of 98.5% at a rate of 1/4 gpm and low flow accuracy of 95.0% at a rate of 1/8 gpm for five (5) years from date of shipment or registration of 675,000 gallons, whichever occurs first.

Model 35 Recordal 3/4"
Badger warrants Product low flow accuracy of 97% at a rate of 3/8 gpm for five (5) years from date of shipment or registration of 875,000 gallons, whichever occurs first.

Model 55 Recordal 1"
Badger warrants Product low flow accuracy of 95% at a rate of 1/2 gpm for three (3) years from date of shipment or registration of 575,000 gallons, whichever occurs first.

Model 70 Recordall 1"
Badger warrants Product low flow accuracy of 95% at a rate of 3/4 gpm for three (3) years from date of shipment or registration of 1,100,000 gallons, whichever occurs first.

Model 120 Recordall 1-1/2"

Badger warrants Product low flow accuracy of 95% at a rate of 1

1/4 gpm for two (2) years from date of shipment or registration of
1,440,000 gallons, whichever occurs first.

Model 170 Recordal! 2"
Badger warrants Product low flow accuracy of 95% at a rate of 1
1/2 gpm for two (2) years from date of shipment or registration of
1,890,000 gallons, whichever occurs first.

### PRODUCT RETURNS

Any Product proved to Badger's satisfaction to have failed the foregoing warranties will, at Badger's option, be repaired or replaced without charge to the Customer. Badger's obligation hereunder shall be limited to such repair and replacement and shall be conditioned upon Badger's receiving written notice of any alteged defect within ten (10) days after its discovery. This exclusive remedy shall not be deemed to have failed its essential purpose so long as Badger is willing and able to replace defective products or issue a credit to purchaser within a reasonable time of proof to Badger that a defect is involved. Product returns must be shipped by the Customer prepaid F.O.B. to the nearest Badger factory or distribution center. The Customer shall be responsible for all direct and indirect costs associated with removing original product and reinstalling the repaired or replacement

### LIMITS OF LIABILITY

This warranty shall not apply to Product repaired or altered by any party other than Badger. The foregoing warranty applies only to the extent that the Product is installed, serviced and operated strictly in accordance with AWWA Standard C700-02 and AWWA M6 Manual. The warranty shall not apply and shall be void with respect to Product exposed to conditions other than those detailed in Badger Product technical literature and installation and Operation Manuals (IOMs), or which have been subject to vandalism, negligence, accident, acts of God, improper installation, operation or repair, alteration, or other circumstances which are beyond Badger's reasonable control. With respect to Product not manufactured by Badger, the warranty obligations of Badger shall in all respects conform and be limited to the warranty extended to Badger by the supplier.

THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER EXPRESS AND IMPLIED WARRANTIES WHATSOEVER, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE (except wertanties of title).

Any description of the Product, whether in writing or made orally by Badger or Badger's agents, specifications, samples, models, bulletins, drawings, diagrams, engineering sheets or similar materials used in connection with any Customer's order are for the sole purpose of Identifying the Product and shall not be construed as an express warranty. Any suggestions by Badger or Badger's agents regarding use, application, or suitability of the Product shall not be construed as an express warranty unless confirmed to be such in writing by Badger.

Exclusion of Consequential Damages and Disclaimer of Other Liability. Badger's liability with respect to breaches of the foregoing warranty shall be limited as stated herein. Badger's liability shall in no event exceed the contract price. BADGER SHALL NOT BE SUBJECT TO AND DISCLAIMS: (1) ANY OTHER OBLIGATIONS OR LIABILITIES ARISING OUT OF BREACH OF CONTRACT OR OF WARRANTY, (2) ANY OBLIGATIONS WHATSOEVER ARISING FROM TORT CLAIMS (INCLUDING NEGLIGENCE AND STRICT LIABILITY) OR ARISING UNDER OTHER THEORIES OF LAW WITH RESPECT TO PRODUCTS SOLD OR SERVICES RENDERED BY BADGER, OR ANY UNDERTAKINGS, ACTS OR OMISSIONS RELATING THERETO, AND (3) ALL CONSEQUENTIAL, INCIDENTAL, AND CONTINGENT DAMAGES WHATSOEVER.

Due to continuous research, product improvements and enhancements, Badger Meter reserves the right to change product or system specifications without notice, except to the extent an outstanding contractual obligation extents.

ADE®, Recordate, RTR® and Badger® are registered trademarks of Badger Meter, Inc.

### **Badger Meter**

®



This warranty shall apply to the Absolute Digital Encoder (ADE®) ("Product"), sold on or after August 1, 2006. The warranty is extended only to utilities, municipalities, other commercial users, and authorized Badger Meter, Inc. ("Badger®") distributors, hereinafter referred to as "Customer", and does NOT apply to consumers.

Badger warrants the Product to be free from defects in materials and workmanship appearing within the earlier of either: Ten (10) years after installation; or ten (10) years and six (6) months after shipment from Badger.

Any Product proved to Badger's satisfaction to have failed the foregoing warranties will, at Badger's option, be repaired or replaced without charge to the Customer. Badger's obligation hereunder shall be limited to such repair and replacement and shall be conditioned upon Badger's receiving written notice of any alleged defect within ten (10) days after its discovery. This exclusive remedy shall not be deemed to have failed its essential purpose so long as Badger is willing and able to replace defective Products to Customer within a reasonable time after receipt of proof that a defect is involved. Product returns must be shipped by the Customer prepaid F.O.B. to the nearest Badger factory or distribution center. The Customer shall be responsible for all direct and indirect costs associated with removing original product and reinstalling the repaired or replacement Product.

This warranty shall not apply to Product repaired or altered by any party other than Badger. The foregoing warranty applies only to the extent that the Product is installed, serviced and operated strictly in accordance with Badger's instructions. The warranty shall not apply and shall be void with respect to Product exposed to conditions other than those detailed in Product technical literature and installation and Operation Manuals (IOMs), or which have been subject to vandalism, negligence, accident, acts of God, improper installation, operation or repair, alteration, or other circumstances which are beyond Badger's reasonable control. With respect to equipment and parts not manufactured by Badger, the warranty

obligations of Badger shall in all respects conform and be limited to the warranty extended to Badger by the supplier.

THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER EXPRESS AND IMPLIED WARRANTIES WHATSOEVER, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE (except warranties of title).

Any description of the Product, whether in writing or made orally by Badger or Badger's agents, specifications, samples, models, bulletins, drawings, diagrams, engineering sheets or similar materials used in connection with any Customer's order are for the sole purpose of identifying the Product and shall not be construed as an express warranty. Any suggestions by Badger or Badger's agents regarding use, application, or suitability of the Product shall not be construed as an express warranty unless confirmed to be such in writing by Badger.

Exclusion of Consequential Damages and Disclaimer of Other Liability. Badger's liability with respect to breaches of the foregoing warranty shall be limited as stated herein. Badger's liability shall in no event exceed the contract price. BADGER SHALL NOT BE SUBJECT TO AND DISCLAIMS: (1) ANY OTHER OBLIGATIONS OR LIABILITIES ARISING OUT OF BREACH OF CONTRACT OR OF WARRANTY, (2) ANY OBLIGATIONS WHATSOEVER ARISING FROM TORT CLAIMS (INCLUDING NEGLIGENCE AND STRICT LIABILITY) OR ARISING UNDER OTHER THEORIES OF LAW WITH RESPECT TO PRODUCTS SOLD OR SERVICES RENDERED BY BADGER, OR ANY UNDERTAKINGS, ACTS OR OMISSIONS RELATING THERETO, AND (3) ALL CONSEQUENTIAL, INCIDENTAL, AND CONTINGENT DAMAGES WHATSOEVER.

Due to continuous research, product improvements and enhancements, Badger Meter reserves the right to change product or system specifications without notice, except to the extent an outstanding contractual obligation exists.

 $\mathsf{Badger}^{\mathsf{a}}$  is a registered trademark of  $\mathsf{Badger}$  Meter, Inc.  $\mathsf{ADE}^{\mathsf{IM}}$  is a trademark of  $\mathsf{Badger}$  Meter, inc.



# City of Lodi WMP Meter Procurement Proposal Addendum #1: Clarifications

### 1) Section L5- Terms and Conditions: Meter Assemblies and Material

"Page 4 of the National Meter Proposal, second paragraph under "Terms and Conditions: Meter Assemblies and Materials": National Meter states that a "base delivery of 500 meter assemblies will be scheduled on 7 day intervals." A "base load" of a set quantity at a set interval should not be assumed by National Meter. Smaller or larger delivery increments may be required, and National Meter and Automation is responsible for coordinating precise delivery schedules with the Installation Contractor. The City's RFP established 500 unit lots delivered every 7 days as the maximum rate for meter deliveries to the Installation Contractor as a basis for bids. This delivery schedule should not be considered as a constant 'base load.'"

Reply: Agreed. Meter deliveries will be scheduled with the Installation Contractor. This delivery schedule will not be considered as a constant "base load".

### 2) Cost Proposal

"The benchmark date for the Producer Price Index has been proposed as October 2010. No basis has been proposed for the Consumer Price Index. National Meter should provide the benchmark date for the local CPI as the basis for future price increases. Also, National Meter should provide the specific CPI index (e.g. the formal name of the proposed, local index or region) that will be used."

Reply: CPI Index is based on the US Department of Labor, Bureau of Labor Statistics, as of December 31, 2010, Sacramento Area.

### 3) ERT Mounting Options

"The City has determined that existing meter box lids will not be replaced under the WMP. Existing meter box installations account for only a fraction of the total meter installations, but will not be compatible with the lid-mounted encoder-receiver-transmitter-(ERT) units previously specified by the City and proposed by National Meter. Instead, pit mounted ERT's will be required at these locations. The Installation Contractor will be responsible for specifying the quantity of pit mounted ERTs and providing this information to National Meter. Prior to awarding the water meter procurement contract to National Meter, the City should verify with National Meter that partially substituting pit mount ERTs for Ild-mount ERTs does not cause a price change."

Reply: Substituting pit mount (under lid) ERTs for Lid Mount ERTS will <u>reduce</u> the net price for the meter and ERT assembly by \$2.00.

# 2012 NATIONAL METER PRICE CALCULATION

<u>Size</u> ¾" 1" 2"	<u>Quantity</u> 2,322 25 <u>25</u>	<u>Unit Price</u> \$194 \$226 \$622	\$450,468.00 \$5,650.00 \$15,550.00
CA Sales Tax (7.25%)	2,372	Subtotal	\$471,668.00 \$34,196.00
County Sales Tax (0.5%)		Total	\$2,358.34 \$508,222.34
Field Documentation	2,372	\$8 GRAND TOTAL	\$18,976.00 \$527,198.34





Insurance Requirements for Contractor

The Contractor shall take out and maintain during the life of this contract, insurance coverage as listed below. These insurance policies shall protect the Contractor and any subcontractor performing work covered by this contract from claims for damages for personal injury, including accidental death, as well as from claims for property damages, which may arise from Contractor's operations under this contract, whether such operations be by Contractor or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows:

1. COMPREHENSIVE GENERAL LIABILITY

\$2,000,000 Ea. Occurrence

\$2,000,000 Aggregate

2. COMPREHENSIVE AUTOMOBILE LIABILITY

\$1,000,000 Bodily Injury - Ea. Person

\$1,000,000 Bodily Injury - Ea. Occurrence

\$1,000,000 Property Damage - Ea. Occurrence

NOTE: Contractor agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).

NOTE: (1) The street address of the <u>CITY OF LODI</u> must be shown along with (a) and (b) above: 221 West Pine Street, Lodi, California, 95241-1910; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.

A copy of the certificate of insurance with the following endorsements shall be furnished to the City:

(a) Additional Named Insured Endorsement Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed Boards, Commissions, Officers, Agents, Employees, and Volunteers as additional named insureds.

(This endorsement shall be on a form furnished to the City and shall be included with Contractor's policies.)

(b) Primary Insurance Endorsement
Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance.
Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.

(c) <u>Severability of Interest Clause</u>
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.

(d) Notice of Cancellation or Change in Coverage Endorsement This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 W. Pine St., Lodi, CA 95240.

Compensation Insurance The Contractor shall take out and maintain during the life of this contract, Worker's Compensation Insurance for all of Contractor's employees employed at the site of the project and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Contractor. In case any class of employees engaged in hazardous work under this contract at the site of the project is not protected under the Worker's Compensation Statute, the Contractor shall provide and shall cause each subcontractor to provide insurance for the protection of said employees. This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 W. Pine St., Lodi, CA 95240. A Waiver of Subrogation against the City of Lodi is required.

NOTE: No contract agreement will be signed nor will <u>any</u> work begin on a project until the proper insurance certificate is received by the City.

### RESOLUTION NO. 2013-

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING CITY MANAGER TO EXECUTE PURCHASE ORDER AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH NATIONAL METER AND AUTOMATION, INC., FOR PURCHASE OF METER ASSEMBLIES AND FIELD DOCUMENTATION

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WHEREAS, National Meter and Automation, Inc., of Santa Rosa, is the local supplier for Badger Meter, Inc., of Milwaukee, that was approved by City Council on August 4, 2010, as the sole source provider of water meters to the Water Meter Program; and

WHEREAS, staff has negotiated the necessary terms and requirements of the water meter assemblies' procurement and related field services, including the delivery of meters to the City and recordation of model, serial number, address, and location of approximately 8,200 meters to be installed with the water meter program; and

WHEREAS, this purchase will cover the remaining five years of the water meter program; and

WHEREAS, Amendment No. 1 to the Professional Services Agreement with National Meter and Automation, Inc., will extend the term of the agreement to March 20, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a purchase order and Amendment No. 1 to the Professional Services Agreement with National Meter and Automation, Inc., of Santa Rosa, California, for purchase of water meter assemblies and field documentation, in the amount of \$1,800,000.

Dated:	February 6	2012
Dal <del>c</del> u.	r <del>e</del> biuaiy o	. 2013

\_\_\_\_\_

I hereby certify that Resolution No. 2013-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL City Clerk

### **AGENDA ITEM C-08**

ΤN

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Contract for Zupo Field Outfield

Wall Renovation Project with Golden Bay Fence, Inc., of Stockton (\$23,120.94) and

Appropriating Funds (\$25,000)

**MEETING DATE:** February 6, 2013

PREPARED BY: Parks, Recreation and Cultural Services Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute contract for Zupo

Field Outfield Wall Renovation Project with Golden Bay Fence, Inc., of Stockton, in the amount of \$23,120.94, and appropriating funds in the

amount of \$25,000.

**BACKGROUND INFORMATION**: This project consists of the provision and installation of new vinyl coated

privacy slat chain link fencing to replace the existing aged plywood wall.

On December 5, 2012, Council approved project plans and specifications and authorized advertisement for the bid for the Zupo Field Outfield Wall Renovation Project. On January 2, 2013, City received the following 10 bids for this project:

BIDDER	LOCATION	BID
Engineer's Estimate		\$24,432.00
Golden Bay Fence, Inc.	Stockton	\$23,120.94
Sandoval Fence, Inc.	Lathrop	\$25,298.37
Benton Fence and Drilling, Inc.	Acampo	\$27,693.00
Land Graphics Fencing	Sloughhouse	\$28,236.00
Sam Farias Fencing	Modesto	\$28,746.42
Stockton Fence & Materials	Stockton	\$29,680.38
Central Fence Company	Sacramento	\$29,865.00
Pisor Fence Division, Inc.	Citrus Heights	\$30,082.20
Crusader Fence Company	Rancho Cordova	\$39,096.00
All Steel Fence, Inc.	Lathrop	\$39,953.94

Staff recommends the appropriation of \$25,000 for the construction contract, staff time and contingencies.

FISCAL IMPACT: This renovation project will have an immediate positive effect on ongoing

maintenance expenses. The projected life of the new fencing will be a minimum

of 20 years.

**FUNDING AVAILABLE**: PRCS donation revenue account 3471.6153 (\$25,000), increase Parks Division

Sports Facility Maintenance (347313.7323) appropriation \$25,000

Jordan Ayers

Deputy City Manager/Internal Services Director

Wally Sandelin	Jeff Hood
Public Works Director	Parks, Recreation & Cultural Services Director

Prepared by Steve Dutra, Parks Superintendent JH/SD/vw

APPROVED: _	
	Konradt Bartlam, City Manager

### CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and GOLDEN BAY FENCE PLUS IRON WORKS, INC., herein referred to as the "Contractor."

### WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids
Information to Bidders

General Provisions

Special Provisions

Bid Proposal

Contract

Contract Bonds

Plans

The July 1992 Edition, Standard Specifications,

State of California,

Business and Transportation Agency,

Department of Transportation

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The work consists of providing and installing new top and bottom rails to existing line posts, new 9-gauge tension wire and new 9-gauge, 2-inch vinyl coated chain link fabric with pvc privacy slats along with associated fasteners and hardware and other incidental and related work, all as shown on the plans and specifications for "Zupo Field Outfield Wall Renovation Project, 350 North Washington Street".

### CONTRACT ITEMS

ITEN NO.	I DESCRIPTION	UNIT	EST'D. QTY	UNIT	PRICE	TOTAL PRICE
1.	Furnish and Install New Top and Bottom Rails, 9-Gauge Tension Wire, 9-Gauge, 2-Inch Vinyl Coated Chain Link Fabric with PVC Slats and Associated Fasteners and Hardware	l LF	543	\$	42.58	\$23,120.00
				TOTA	\L	\$23,120.00

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 5 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within 20 CALENDAR DAYS.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:	CITY OF LODI		
	By: Konradt Bartlam City Manager		
Ву:	Date:		
	Attest: _ Title		
	City Clerk		
(CORPORATE SEAL)	Approved As To Form  D. Stephen Schwabauer  City Attorney		

1. AA#	
2. JV#	

CITY OF LODI APPROPRIATION ADJUSTMENT REQUEST			
TO:	Internal Services Dept Budget Div		
3, FROM:	Rebecca Areida-Yadav	5. DATE:	01/09/2013
4. DEPARTI	MENT/DIVISION: Public Works		

6. REQUEST A	DJUSTMENT C	F APPROPRIAT	ION AS LISTED	BELOW	
	FUND#	BUS, UNIT#	ACCOUNT#	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	3471		6153	Donations	\$ 25,000.00
B, USE OF FINANCING	347	347131	7323	Sports Facility Maintenance	\$ 25,000.00

7 DECLIEST IS MADE TO FUND T	HE FOLLOWING DR	ROJECT NOT INCLUDED IN THE CURRENT	PURCET
			DODGLI
1	-	of the project, as well as justification for the	
requested adjustment. If you need r	nore space, use an a	additional sheet and attach to this form.	
Zupo Field Fence Project.			
(24)			
If Council has authorized the approp	riation adjustment, co	omplete the following:	
Meeting Date:	Res No:	Attach copy of resolution to this form	l <sub>a</sub>
Department Head Signature:		18 718	
		<i>"</i>	
8. APPROVAL SIGNATURES			
Deputy City Manager/Internal Service	es Manager	Date	

Submit completed form to the Budget Division with any required documentation. Final approval will be provided in electronic copy format.

### RESOLUTION NO. 2013-

### A RESOLUTION OF THE LODI CITY COUNCIL AWARDING CONTRACT AND AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT FOR ZUPO FIELD OUTFIELD WALL RENOVATION PROJECT AND FURTHER APPROPRIATING FUNDS

\_\_\_\_\_\_

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on January 2, 2013, at 11:00 a.m., for the Zupo Field Outfield Wall Renovation Project, described in the plans and specifications therefore approved by the City Council on December 5, 2012; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

Bidder	Bid
Golden Bay Fence, Inc.	\$23.120.94
Sandoval Fence, Inc.	\$25,298.37
Benton Fence and Drilling, Inc.	\$27.693.00
Land Graphics Fencing	\$28,236.00
Sam Farias Fencing	\$28,746.42
Stockton Fence & Materials	\$29,680.38
Central Fence Company	\$29,865.00
Pisor Fence Division, Inc.	\$30,082.20
Crusader Fence Company	\$39,096.00
All Steel Fence, Inc.	\$39,953.94

WHEREAS, staff recommends awarding the contract for the Zupo Field Outfield Wall Renovation Project to the low bidder, Golden Bay Fence, Inc., of Stockton, California, in the amount of \$24,432 and appropriating funds in the amount of \$25,000 for the construction contract, staff time and contingencies.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Zupo Field Outfield Wall Renovation Project to the low bidder, Golden Bay Fence, Inc., of Stockton, California, in the amount of \$24,432; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the contract; and

BE IT FURTHER RESOLVED that funds in the amount of \$25,000 be appropriated from the Parks, Recreation and Cultural Services Donation Revenue account for this project.

Dated: February 6, 2013

I hereby certify that Resolution No. 2013-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL City Clerk

### **AGENDA ITEM C-09**

**AGENDA TITLE:** Adopt Resolution Approving Amendment No. 1 to Amended and Restated Project

Agreement No. 5 Between and Among the Transmission Agency of Northern California and its Participating Members and Authorizing Execution by the City

Manager

**MEETING DATE:** February 6, 2013

PREPARED BY: Electric Utility Director

**RECOMMENDED ACTION**: Adopt a resolution approving Amendment No. 1 to Amended and

Restated Project Agreement No. 5 Between and Among the Transmission Agency of Northern California and its Participating Members and Authorizing Execution by the City Manager.

Members and Authorizing Execution by the City Manager.

**BACKGROUND INFORMATION**: The City of Lodi is a participant in the California-Oregon

Transmission Project (COTP) through agreements with the Transmission Agency of Northern California (TANC). COTP is a

500 kV transmission line that runs from southern Oregon to central California which has provided access

to power markets in the Pacific Northwest since 1993.

Project Agreement No. 5 provides for short term marketing of COTP transmission when that transmission is not being used by the participant who owns that transmission. This marketing resulted in revenues of \$3,287,540 for the first seven months of 2012, with Lodi's share being \$34,500. The present agreement limits sales to periods of less than a year. The participants believe that extending sales periods up to and including one full year will increase these sales.

This change is made by simply changing Section 14 of the Agreement by replacing the words "less than" with the words "up to". Staff recommends approval of this amendment.

FISCAL IMPACT:	Additio	nal transmissions sales n	nay be realized re	esulting in incr	eased revenue.
FUNDING AVAILAB	LE:	Not applicable.			
EAK/MF/lst			A. Kirkley tility Director		

APPROVED: \_\_\_\_\_ Konradt Bartlam, City Manager

### **AMENDMENT NO. 1**

### TO

# AMENDED AND RESTATED PROJECT AGREEMENT NO. 5

### **BETWEEN AND AMONG**

### THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA

### AND ITS PARTICIPATING MEMBERS

This Amendment No. 1 to Amended and Restated Project Agreement No. 5 ("Agreement"), by and among the Transmission Agency of Northern California, hereinafter referred to as "TANC," and its Members the Cities of Alameda, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah; the Modesto Irrigation District; the Turlock Irrigation District; and the Plumas-Sierra Rural Electric Cooperative, hereinafter referred to as "Participating Members," is hereby made and entered into as of \_\_\_\_\_\_\_, 2012, based upon the following:

### **RECITALS**

### WHEREAS

- A. On August 23, 2004, and as amended and restated effective May 1, 2006,
   TANC and its Participating Members entered into the Agreement.
- B. The Sacramento Municipal Utility District subscribed to the Agreement, as a Non-Participating Member.
- C. The Agreement enhances transmission availability in California by making the Participating Members' unused and unencumbered Transfer Capability available for use by other entities in an open and efficient manner for a period of less than one (1) year and in accordance with the TANC Open Access Transmission Tariff.
- D. TANC desires to further enhance transmission availability in California

by making the Participating Members' unused and unencumbered Transfer Capability available for use by other entities in an open and efficient manner for a period of up to one (1) year in accordance with the TANC Open Access Transmission Tariff.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth in this Amendment No. 1 to the Agreement, TANC and its Participating Members hereby **AGREE**, as follows:

Section 1. Section 14 of the Agreement is amended by replacing the words "less than" with the words "up to".

Section 2. Except as amended in this Amendment No. 1, there are no other changes in the Agreement and the Agreement remains in full force and effect.

Section 3. This Amendment No. 1 may be executed in several counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute a single agreement.

Section 4. This Amendment No. 1 shall take effect as of the date of the signature of the last of TANC or its Participating Members to subscribe hereto.

WHEREFORE, TANC and its Participating Members each represent and warranty to each other that the signatures subscribed below evidence that the party for whom the signature has been subscribed is duly authorized, with all necessary power and authority, to execute and deliver this Amendment No. 1.

### **PARTICIPATING MEMBERS**

## CITY OF ALAMEDA

## CITY OF ROSEVILLE

By:
Name:
Title:
Date:
CITY OF SANTA CLARA
By:
Name:
Title:
Date:
CITY OF UKIAH
By:
Name:
Title:
Date:
MODESTO IRRIGATION DISTRICT
By:
Name:
Title:
Date:
TURLOCK IRRIGATION DISTRICT
By:
Name:
Title:
Date:
PLUMAS-SIERRA RURAL ELECTRIC COOPERATIVE
By:
Name:
Title:
Date:

# TRANSMISSION AGENCY OF NORTHERN CALIFORNIA

By:
Name:
Title:
Date:
NON-PARTICIPATING MEMBER
SACRAMENTO MUNICIPAL UTILITY
DISTRICT
By:
Name:
Title:
Date:

# TRANSMISSION AGENCY OF NORTHERN CALIFORNIA AMENDED AND RESTATED PROJECT AGREEMENT NO. 5 FOR THE PARTICIPATION IN THE WESTTRANS OASIS

### **PREAMBLE**

This Project Agreement No. 5 ("Agreement") originally entered into as of August 23, 2004, and amended and restated effective as of May 1, 2006, by and among the Transmission Agency of Northern California, hereinafter referred to as "TANC"; and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah; the Modesto Irrigation District; the Turlock Irrigation District; and the Plumas-Sierra Rural Electric Cooperative, TANC Members hereinafter collectively referred to as the "Participating Members," with regard to the following:

### **RECITALS**

### WHEREAS:

- A. TANC owns Transfer Capability on the California Oregon Transmission Project that is not under the control of the California Independent System Operator.
- B. TANC desires to enhance transmission availability in California by making the Participating Members' unused and unencumbered Transfer Capability available for use by other entities in an open and efficient manner and in accordance with the TANC Open Access Transmission Tariff.
- C. On March 31, 2004, a voluntary coalition of transmission providing entities in the Western Interconnection began offering access to their transmission systems on a single OASIS site, known as the wesTTrans OASIS. This cooperative effort includes alignment of business practices and processes between all transmission providers to the greatest extent possible, while retaining the individual Open Access

Transmission Tariffs of each transmission provider. A primary benefit of this effort is the enhancement of the transmission market within the Western Interconnection.

D. TANC and its Participating Members have concluded that it is in their interest and the interest of electricity customers in the state for TANC to participate as a Transmission Provider on the wesTTrans OASIS. Based on discussions with Open Access Technologies, Inc. the operator of the wesTTrans OASIS, TANC has concluded that TANC's designation of a TANC OASIS Administrator will be necessary to facilitate TANC Members' sales of available Transfer Capability on wesTTrans OASIS.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Agreement, TANC and the TANC Members that will be Participating Members and have signed below hereby agree as follows:

### **AGREEMENT**

### 1. SERVICE AGREEMENTS

TANC is hereby authorized and directed to act on behalf of the Participating Members to become a participant in the wesTTrans OASIS, including the negotiation and execution of a service agreement with Open Access Technologies, Inc, for TANC's participation in the wesTTrans OASIS. TANC is additionally authorized and directed to act on behalf of the Participating Members to designate and execute a service agreement with a TANC OASIS Administrator to facilitate TANC's participation in the wesTTrans OASIS.

### 2. SERVICE INITIATION AND OTHER FEES.

A schedule of service fees that includes an initiation fee and a monthly fee associated with services that Open Access Technologies, Inc. will perform, in order for TANC to participate in the wesTTrans OASIS, is included in Exhibit A. Fees associated

with the TANC OASIS Administrator functions shall be set forth in the service agreement between TANC and the TANC OASIS Administrator.

Any fees related to the termination of this Agreement shall be allocated to Participating Members in accordance with the provisions of Section 3.

### 3. ALLOCATION OF PROJECT COSTS TO PARTICIPATING MEMBERS

All costs and expenses associated with this Agreement and all fees or charges for wesTTrans OASIS and the TANC OASIS Administrator service initiation, and wesTTrans OASIS and the TANC OASIS Administrator monthly service will be allocated to the Participating Members in accordance with their Project Agreement No. 3 Participation Percentages prorated after subtracting the percentages of the TANC Members that do not execute this Agreement. Schedules of fees associated with such services are located in Exhibit A and the service agreement between TANC and the TANC OASIS Administrator. TANC, upon receipt of such invoices from Open Access Technologies, Inc. (OATI), and the TANC OASIS Administrator will allocate such initiation and service costs to Participating Members. The allocation percentage for each Member executing this agreement is shown in Exhibit B, attached to and incorporated into this Agreement.

### 4. ALLOCATION OF NET REVENUES

For the purposes of this Project Agreement No. 5, the term "Transmission Offer" shall mean a specified whole number of megawatts, that in compliance with the procedures under this Agreement, Project Agreement No. 3, and those applicable provisions of the wesTTrans OASIS, the WesTTrans contract with TANC, the service agreement between TANC and the TANC OASIS Administrator, and the service agreement between TANC and Open Access Technologies, Inc., is released by the Participating Member to TANC to be offered for sale, for a period, as designated by the Participating Member. The time period of any Transmission Offer must coincide with the time period of the actual sale or sales TANC makes, regardless of any difference

between the amount offered and the amount TANC succeeds in selling. The TANC OASIS Administrator shall allocate to each Participating Member the revenue received, net of expenses associated with the Transmission Offer, from sale of Transfer Capability by the TANC OASIS Administrator in proportion to each Participating Member's Transmission Offer. In making such allocation, when more than one Participating Member has made a Transmission Offer, the TANC OASIS Administrator shall allocate to each Participating Member that made a Transmission Offer, the revenue derived by multiplying the total revenue received from the sale or sales coinciding with the time period during which more than one Transmission Offer has been made, by the fraction resulting from the division of each such Participating Member's Transmission Offer by the sum of the Transmission Offers made during the coincident time period of the sale or sales.

Notwithstanding the foregoing paragraph, should a Participating Member (Purchasing Member) purchase transmission through the wesTTrans OASIS site for any period, the revenue from such a purchase shall first be allocated to that Purchasing Member to the extent that the Purchasing Member has made a Transmission Offer for the period. If the transmission purchase is greater than the amount of the Purchasing Member's Transmission Offer, the remaining revenue shall be allocated to the other Participating Members who submitted Transmission Offers in the same time period by multiplying the remaining revenue received from the sale by the fraction resulting from the division of each such Participating Member Transmission Offer by the sum of the Transmission Offers made during the time period of the purchase, excluding the Transmission Offer of the Purchasing Member. For the purpose of allocating revenue from other transmission purchases during the period, the Purchasing Member's Transmission Offer will be reduced by the amount it purchased through the wesTTrans OASIS.

The TANC Commission may modify the allocation of revenue as delineated in the preceding paragraphs by an affirmative vote of the Participating Members representing 65% of the Cost Allocation Percentages as indicated in Exhibit B.

Revenue resulting from the sale of the Participating Members' offered Transfer Capability shall be distributed by the TANC OASIS Administrator to each Participating Member not in default of any obligation to TANC, according to the timelines contained in the service agreement between TANC and the TANC OASIS Administrator. The TANC OASIS Administrator may set off amounts due TANC or the TANC OASIS Administrator from revenues due a Participating Member in default in accordance with Section 9 of this agreement.

### 5. COORDINATION WITH TANC OASIS ADMINISTRATOR

Participating Members agree to coordinate with the TANC OASIS Administrator to (1) provide information regarding available Transfer Capability, credit policies, and other information as may be reasonably deemed necessary by the TANC OASIS Administrator in the performance of its duties to facilitate TANC's participation on behalf of Participating Members in wesTTrans OASIS, to collect the revenues from transmission customers, and (2) to perform the financial settlements among Participating Members of fees and revenues associated with the participation in the wesTTrans OASIS.

Each Participating Member agrees to provide to the TANC OASIS Administrator the available Transfer Capability it desires to post for sale on the wesTTrans OASIS as a Transmission Offer in accordance with the procedures, timelines, and formats as mutually agreed to by the Participating Members and the TANC OASIS Administrator, as those may be modified from time to time by agreement of the participating members.

### 6. TERM AND TERMINATION.

This Agreement shall take effect as of the date hereof and shall remain in full force and effect for a minimum of twelve months from the date that TANC initiates service on the wesTTrans OASIS. Following the initial twelve-month period, any Participating Member may terminate its participation in this Agreement upon sixty days written notice to TANC, after which time TANC shall no longer participate on behalf of

the terminating Participating Member in the wesTTrans OASIS. The terminating Participating Member shall be obligated to pay its share of all project costs and liabilities pursuant to Section 3 of this Agreement incurred in connection with the provision of services provided up to the date when the Participating Member's termination becomes effective, as well as for contingent liabilities that occurred prior to but may arise after the date of termination, regardless of when the fees are assessed to TANC or the contingency is liquidated, and in accordance with the Participation Percentages shown in Exhibit B if fixed in nature, or the Schedule of Service Fees, if variable. The terminating Participating Member not in default shall be entitled to its share of all transmission revenues derived from TANC's sales of Transfer Capability on the wesTTrans OASIS made up to the date when the Participating Member's termination becomes effective, in accordance with the revenue allocation procedures described in Section 4 of this Agreement.

In the event that one or more Participating Members terminates its participation in this Agreement, the remaining Participating Members may elect to adjust the cost allocation percentages shown in Exhibit B. If by the date that any Member's termination of its participation in this Agreement becomes effective the remaining Participating Members have not agreed to adjust the allocation percentages shown in Exhibit B, TANC shall terminate its participation in the wesTTrans OASIS in accordance with termination provisions contained in the service agreement in place between TANC and Open Access Technologies, Inc, or its successor and with the TANC OASIS Administrator.

This Agreement shall automatically continue for an indefinite term unless terminated pursuant to the above provisions.

### 7. AMENDMENTS

This Agreement may be amended only by the written agreement of all the parties hereto.

### 8. BILLING AND PAYMENT

With the exception of the service fee associated with the initiation of service with Open Access Technologies, Inc., as presented in Exhibit A, and TANC OASIS Administrator Setup and Testing/Training costs as described in the service agreement between TANC and the TANC OASIS Administrator, the accounting and billing period shall be one (1) calendar month. Monthly bills sent by the TANC OASIS Administrator to a Participating Member shall be sent by United States mail first class, postage prepaid or its equivalent, to the billing address specified in Exhibit C. The designation of any person specified in Exhibit C may be changed at any time by advance notice given to all Participating Members not then in default of any payment due hereunder, TANC, and the TANC OASIS Administrator. A copy of such billing will be sent to TANC.

Billings for amounts payable shall be due on the thirtieth (30<sup>th</sup>) day after receipt of the bill. Payment shall be made at offices designated by the party to which payment is due. If the due date falls on a non-business day of either party, then the payment shall be due on the next following business day without interest.

Amounts of monthly billings not paid on or before the due date shall be payable with an interest charge calculated from the due date to the date of payment. The interest charge shall be that charge against unpaid amounts due and owing in accordance with this Agreement assessed at an annual interest rate compounded monthly equal to the lesser of (i) two percent (2%) plus the applicable first of the month reference rate or successor, of the Bank of America N.T. & S.A., San Francisco, California, in effect from time to time during the period over which the payment is overdue or (ii) the maximum interest rate permitted by law.

Payments for the use of TANC's available Transfer Capability shall be collected by the TANC OASIS Administrator and on a monthly basis, fully credited to the Participating Member or Participating Members making such Transfer Capability available, in accordance with the revenue allocations described in Section 4 of this Agreement and the timelines contained in the service agreement between TANC and the TANC OASIS Administrator.

### 9. DEFAULT

Upon the failure of any Participating Member to meet its obligations hereunder, TANC shall give written notice of the failure to such Participating Member and, if such failure has not been cured within forty-five (45) days after the date of such notice, it shall constitute a default at the expiration of such forty-five (45) day period. Upon such default, TANC may terminate this Agreement as to the defaulting Participating Member, and protect and enforce its rights hereunder by suit or suits in equity or at law, whether for the specific performance of any covenant herein or for damages or in aid of the execution of any power granted herein or any other remedy available under any provision of applicable law. The costs allocation percentages will be adjusted amongst the remaining Participating Members in accordance with the process described in Section 6 of this agreement.

### 10. INDEMNIFICATION

The Participating Members shall indemnify, defend, and hold harmless TANC, its commissioners, officers, agents, and employees, to the extent provided by law, and the TANC Members that do not execute this Agreement, and their respective governing bodies, officers, agents, and employees, from any liability for personal injury, death, property damage, contractual or tort liability, regardless of the theory of recovery, to the fullest extent of the law, arising out of the negligent acts or failures to act of TANC, its commissioners, officers, agents, and employees, or of a non-participating TANC Member, its governing body, officers, agents, and employees in connection with this Agreement. Each Participating Member agrees that TANC's commissioners, officers, agents and employees shall not be liable to the Participating Members for direct, indirect or consequential loss or damage suffered by the Participating Members as a result of the performance or nonperformance by TANC or the TANC OASIS Administrator of this Agreement or any agreement with a third party associated with this Agreement. Each

Participating Member releases TANC's Commissioners, officers, agents and employees from any claim or liability (whether negligent or otherwise) as a result of any actions or inactions of TANC under this Agreement or the performance or nonperformance by TANC under this Agreement.

### 11. SEVERABILITY

If any provision of this Agreement is finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall remain in full force and effect as though the invalid provision had not been included herein.

### 12. MEMBERS' OBLIGATIONS SEVERAL

The obligation of each Participating Member to make payments under this Agreement is a several obligation and not a joint obligation with those of the other Participating Members.

### 13. WAIVER OF DEFAULT

Any waiver at any time by any party of its rights with respect to a default under this Agreement, or with respect to any other matters arising in connection with this Agreement, shall not be deemed a waiver with respect to any subsequent default or other matter.

### 14. WAIVER OF RIGHTS OF REFUSAL

Each Participating Member as to each other, and as to each non-participating TANC Member that delivers a duly authorized and executed waiver in the same form as this section to TANC, does hereby waive and release any and all claim of right to exercise a right of refusal under Section 7 of Project Agreement No. 3 to Transfer Capability offered as a Transmission Offer under this Agreement or, if offered by a non-participating TANC Member, on the wesTTrans OASIS or a similar OASIS in accordance

with the then current Short and Long-Term Layoff Procedures of TANC, provided that such offer is for a period of less than twelve (12) months.

### 15. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute a single Agreement.

### 16. SIGNATURES

In witness whereof, the parties have caused this Project Agreement No. 5 to be executed as of the date first above written. The signatories to this Project Agreement No. 5 represent that they have been appropriately authorized to enter into this Project Agreement No. 5 on behalf of the party for whom they sign.

### PARTICIPATING MEMBERS

1 None

### CITY OF ALAMEDA

ву:	700 110 00
Name:	Valerie O. Fong
Title:	General Manager
Date:	5.24.06
CITY OF	HEALDSBURG
By:	
Name:	
Title:	
Date:	

with the then current Short and Long-Term Layoff Procedures of TANC, provided that such offer is for a period of less than twelve (12) months.

### 15. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute a single Agreement.

### 16. SIGNATURES

In witness whereof, the parties have caused this Project Agreement No. 5 to be executed as of the date first above written. The signatories to this Project Agreement No. 5 represent that they have been appropriately authorized to enter into this Project Agreement No. 5 on behalf of the party for whom they sign.

By:

### **PARTICIPATING MEMBERS**

### CITY OF ALAMEDA

Name:	
Title:	
Date:	
CITY OF	HEALDSBURG
By:	elle fly weeken
Name:	Cheft J. WysTepek
Title:	City MANAger
Date:	7/25/06

# CITY OF LODI

was a survey with the second	By: /Se )
	Name: Blair King
ATTEST:	Title: City Manager
	Date: <u>June 28, 2006</u>
Jennifer M. Perrin Interim City Clerk	CITY OF LOMPOC
Dated: 7/19/06	By:
	Name:
Approved as to Form:	Title:
THOR	Date:
D. Stephen Schwabauer City Attorney	MODESTO IRRIGATION DISTRICT
	By:
	Name:
	Title:
	Date:
	CITY OF PALO ALTO
	By:
	Name: Title:
	Date:

# CITY OF HEALDSBURG

By:	
Name:	
Title:	
Date:	
CITY OF	LODI
By:	
Name:	
Title:	
Date:	
CITY OF	LOMPOC
Ву:	Michael a Siminohi MICHAEL A. SIMINSKI
Name:	MICHAEL A. SIMINSKI
Title:	Lompoc TANC Communioner / City Corner
Date:	14 June 2006
MODES	TO IRRIGATION DISTRICT
By:	
Name:	
Title:	
Date:	

# CITY OF LODI

By:	
Name:	
Title:	
Date:	Annual Control of Cont
CITY OF	LOMPOC
Ву:	
Name:	
Title:	
Date:	
MODEST	TO IRRIGATION DISTRICT
By:	Allen Short
Name:	Alen Short
Title:	B-31-06
Date:	8.31-06
Ju.	
CITY OF	PALO ALTO
By:	
Name:	
Title:	
Date:	

### MODESTO IRRIGATION DISTRICT

By:	
Name:	
Title:	
Date:	
CITY OF	PALO ALTO
By:	(O. Nach
Name: C	MRANK BENEST
Title:	CITY MANAGER
Date:	SEPTEMBER 7, 2006
CITY OF	REDDING
By:	
Name:	
Title:	
Date:	
CITY OF	ROSEVILLE
By:	
Name:	
Title:	
Date	

	By: June & flech	
Form Approved	Name: James C. Feider	
RS July	Title: Electric Utility Director	
Barry E. DeWalt Assistant City Attorney	Date: 7-7-06	<del></del>
	CITY OF ROSEVILLE	
	By:	·
	Name:	
	Title:	
	Date:	
	CITY OF SANTA CLARA	
	By:	<del>.</del>
	Name:	<del> </del>
	Title:	
	Date:	
	TURLOCK IRRIGATION DISTRICT	
	Ву:	
	Name:	
	Title:	
	Date:	

By:	
Name:	
Title:	
Date:	
CITY OF	ROSEVILLE
//	11 1 a Robourg
By: [/	The property of the second
Name:	W. Craig Robinson
Title:	City Manager
Date:	August 3, 2006
CITY OF	SANTA CLARA
By:	
Name:	
Title:	
Date:	
TURLOC	CK IRRIGATION DISTRICT
By:	
Name:	
Title:	
Date:	

Ву:	
Name:	
Title:	
Date:	
CITY OF ROSEVILLE	
By:	
Name:	
Title:	
Date:	
CITY OF SANTA CLARA	
,	
By: Semmiter Sparacino	
By: SMANIGUE SPARACIA	10
Title: CITY MANAGER	
Date: 7-17-06	
,	
TURLOCK IRRIGATION DISTRICT	
Ву:	
Name:	
Title:	
Date:	

City Clerk

APPROVED AS TO FORM:

ROLAND D. PFEIFER Assistant City Attorney

By:	
Name:	
Title:	
Date:	
CITY OF	ROSEVILLE
By:	
Name:	·
Title:	
Date:	
CITY OF	SANTA CLARA
By:	
Name:	
Title:	
Title: Date:	
Date:	CK IRRIGATION DISTRICT
Date:	/}
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Date:	CK IRRIGATION DISTRICT  Larry Weis
Date: TURLOC By:	Lan Wes

### CITY OF SANTA CLARA

Ву:
Name:
Title:
Date:
TURLOCK IRRIGATION DISTRICT
By:
Name:
Title:
Date:
CITY OF UKIAH  By:  Name:  City Many  Date:  9-12-07
PLUMAS-SIERRA RURAL ELECTRIC
COOPERATIVE
Ву:
Name:
Title:
Date:

### CITY OF SANTA CLARA

By:	
Name:	
Title:	
Date:	
TURLOC	K IRRIGATION DISTRICT
By:	
Name:	
Title:	
Date:	
CITY OF	UKIAH
By:	
Name:	
Title:	
Date:	
PLUMAS	S-SIERRA RURAL ELECTRIC
COOPER	RATIVE
	111 .11
Ву:	John Will
Name:	Robert W. Marshall
Title:	General Manager
Date:	May 31, 2006

# TRANSMISSION AGENCY OF NORTHERN CALIFORNIA

By: Junes Thick
Name: James C. Feider
Title: Chairman
Date: 9-22-06
NONE DA DEIGIDA TINIC MEMBERO
NON-PARTICIPATING MEMBERS
SACRAMENTO MUNICIPAL UTILITY
DISTRICT
Ву:
Name:
Title:
Date:

# NON-PARTICIPATING MEMBERS

SACRAMENTO MUNICIPAL UTILITY

DISTRICT

By:

Name:

James R. Shetler

Title:

Assistant General Manager

Date:

Energy Supply
May 25, 2006

### **EXHIBIT A**

# SCHEDULE OF SERVICE FEES FOR SERVICES RENDERED BY OPEN ACCESS TECHNOLOGIES, INC.

COMMON WESTERN OASIS SERVICE						
Description	Service Initiation Fee <sup>1</sup>	Monthly Service Fee <sup>2,3</sup>	Comments			
TANC as a single entity (All TANC TP's join as TANC and will be one TP on the OASIS)	\$50,000	\$5,000	Provides all functionality in accordance with the Common Western OASIS Functional Specification.  Assumes all TP's register as a single NERC entity.  For less than 500 OASIS requests per month.  10 User ID's and certificates total.			

### Price Schedule Notes:

- Service Initiation Fee will be invoiced upon execution of Common Western OASIS Customer Agreement.
- 2. Minimum subscription term is 12 months.
- 3. Monthly Service Fee for each Provider begins at time of OASIS initialization or 30 days after completion of acceptance testing, whichever is earlier.
- 4. Other OATI subscribed services will continue to be provided under separate OATI Customer Agreements.
- 5. Any necessary, preapproved travel expenses will be invoiced to Common Western OASIS Service customers at pro-rata OATI actual cost.
- 6. One day of training provided at OATI Data Center in Minneapolis, MN.
- 7. The Monthly Service Fee reflected above is the initial monthly fee for the first 12 months of service and may change from time to time there after.

EXHIBIT B
COST ALLOCATION PERCENTAGES

TANC Member	WesTTRans OASIS Service Initiation Fee	WesTTrans OASIS Monthly Service Fee	TANC OASIS Administrator Fees
City of Alameda	1.850 %	1.850 %	1.850 %
City of Healdsburg	0.370 %	0.370 %	0.370 %
City of Lodi	2.622 %	2.622 %	2.622 %
City of Lompoc	0.255 %	0.255 %	0.255 %
City of Palo Alto	5.550 %	5.550′%	5.550 %
City of Redding	11.487 %	11.487 %	11.487 %
City of Roseville	3.184 %	3.184 %	3.184 %
City of Santa Clara	27.976 %	27.976 %	27.976 %
City of Ukiah	0.293 %	0.293 %	0.293 %
Modesto Irrigation District	29.082 %	29.082 %	29.082 %
Plumas-Sierra Rural Electric Cooperative	0.223 %	0.223 %	0.223 %
Turlock Irrigation District	17.124 %	17.124 %	17.124 %

### **EXHIBIT C**

### BILLING ADDRESSES OF THE PARTIES

City of Alameda Alameda Power & Telecom P.O. Box H Alameda, CA 94501-0263

City of Healdsburg c/o Northern California Power Agency 180 Cirby Way Roseville, CA 95678

City of Lodi 1331 South Ham Lane Lodi, CA 95242-3995

City of Lompoc P.O. Box 8001 Lompoc, CA 93438

Modesto Irrigation District P. O. Box 4060 Modesto, CA 95352

City of Palo Alto P. O. Box 10250 MS3C Palo Alto, CA 94303

City of Redding 17120 Clear Creek Road Redding, CA 96001-5106 City of Roseville 2090 Hilltop Circle Roseville, CA 95678

City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050

Turlock Irrigation District P. O. Box 949 Turlock, CA 95381

City of Ukiah 300 Seminary Avenue Ukiah, CA 95482

Plumas-Sierra Rural Electric Coop. 73233 Hwy 70 Portola, CA 96122-2000

Transmission Agency of Northern California P. O. Box 15129 Sacramento, CA 95851-0129

# RESOLUTION NO. 2006-115 APPROVING THE MODESTO IRRIGATION DISTRICT'S PARTICIPATION IN THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA AMENDED AND RESTATED PROJECT AGREEMENT NO. 5 FOR THE PARTICIPATION IN THE WESTTRANS OASIS

WHEREAS, the Board of Directors adopted Resolution No. 2004-170 approving the District's participation in the "TRANSMISSION AGENCY OF NORTHERN CALIFORNIA PROJECT AGREEMENT NO. 5 FOR THE PARTICIPATION IN THE WESTTRANS OASIS" on September 28, 2004; and

WHEREAS, the District continues to participate in the posting and sale of its unused California-Oregon Transmission Project transfer capability in the WESTTRANS OAISIS; and

WHEREAS, the TANC Commission adopted Resolution No. 2006-14 approving the revised TANC PA-5.

BE IT RESOLVED, That the Board of Directors does hereby approve and authorize the General Manager to execute the TRANSMISSION AGENCY OF NORTHERN CALIFORNIA AMENDED AND RESTATED PROJECT AGREEMENT NO. 5 FOR THE PARTICIPATION IN THE WESTTRANS OASIS, subject to legal review.

Moved by Director Warda, seconded by Director Kidd, that the foregoing resolution be adopted.

The following vote was had:

Ayes:

Directors Hensley, Kidd, Van Groningen and Warda

Noes:

**Directors None** 

Absent:

Director Serpa

The President declared the resolution adopted.

000

I, Vickie Ehrler, Secretary of the Board of Directors of the MODESTO IRRIGATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of Said Board of Directors held the 8th day of August 2006.

Secretary of the Board of Directors of the Modesto Irrigation District

### RESOLUTION NO. 8635

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO APPROVING THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA'S AMENDED AND RESTATED PROJECT AGREEMENT NO. 5 FOR PARTICIPATION IN AN OPEN ACCESS SAME TIME INFORMATION SYSTEM AND DELEGATION OF AUTHORITY TO THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT

WHEREAS, the City of Palo Alto ("City"), a municipal utility and a chartered city, is a Member of the Transmission Agency of Northern California ("TANC");

WHEREAS, TANC is a joint powers agency authorized by Section 6502 of the California Government Code;

WHEREAS, TANC owns Transfer Capability on the California-Oregon Transmission Project ("COTP") that is not under the control of the California Independent System Operator ("CAISO");

WHEREAS, TANC, and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah; the Modesto Irrigation District; the Turlock Irrigation District; and the Plumas-Sierra Rural Electric Cooperative (the TANC "Participating Members") desire to enhance transmission availability in California by making the Participating Members' unused and unencumbered Transfer Capability available for use by other entities in an open and efficient manner and in accordance with the TANC Open Access Transmission Tariff;

WHEREAS, on March 31, 2004, a voluntary coalition of transmission-providing entities in the Western Interconnection began offering access to their transmission systems on a single OASIS site, known as the wesTTrans OASIS;

WHEREAS, on December 1, 2005, TANC and its Participating Members commenced participation as a Transmission Provider in the wesTTrans OASIS; and

WHEREAS, based on Participating Members' subsequent use of the wesTTrans OASIS, TANC has concluded that an amendment to the revenue allocation rules is required to allow a Participating Member to buy back their own Transfer Capability as posted in the wesTTrans OASIS;

### RESOLUTION NO. 06-406

APPROVING AN AGREEMENT BETWEEN THE CITY OF ROSEVILLE, TRANSMISSION AGENCY OF NORTHERN CALIFORNIA, AND THE CITIES OF ALAMEDA, HEALDSBURG, LODI, LOMPOC, PALO ALTO, REDDING, SANTA CLARA AND UKIAH, THE MODESTO IRRIGATION DISTRICT, THE TURLOCK IRRIGATION DISTRICT AND THE PLUMAS-SIERRA RURAL ELECTRIC COOPERATIVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY OF ROSEVILLE

WHEREAS, an amended and restated project agreement no. 5 for the participation in the Westtrans Oasis, between the City of Roseville and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Santa Clara and Ukiah, the Modesto Irrigation District, the Turlock Irrigation District and the Plumas Sierra Rural Electric Cooperative, has been reviewed by the City Council; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roseville that said amended and restated project agreement no. 5 is hereby approved and that the City Manager is authorized to execute it on behalf of the City of Roseville.

City Manager is audiorized to excel	ic it oii	ochan or	the City of it		
PASSED AND ADOPTED of August, 2006, by the f				Roseville this	s <u>2nd</u> day
AYES COUNCILMEMBERS:	Gray,	Allard,	Roccucci,	Rockholm,	Garbolino
NOES COUNCILMEMBERS:	None				
ABSENT COUNCILMEMBERS:	None			Tulak	<u></u>
				MAYOR	
ATTEST:				•	

The foregoing instrument is a correct copy of the original on file in this office.

City Clerk of the City of Roseville, California

# CITY OF LODI

By:	
Name:	
Title:	
Date:	
CITY OF	LOMPOC
v	
By:	
Name:	
Title:	
Date:	
MODEST By:	TO IRRIGATION DISTRICT  Modesto Irrigation District
Name:	Allen Short
	General Manager
Date:	May 24, 2006
CITY OF	PALO ALTO
CITY OF By:	PALO ALTO
	PALO ALTO
Ву:	PALO ALTO

### RESOLUTION NO. 2013-

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING AMENDMENT NO. 1 TO AMENDED AND RESTATED PROJECT AGREEMENT NO. 5 BETWEEN AND AMONG THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA AND IT'S PARTICIPATING MEMBERS AND AUTHORIZING EXECUTION BY THE CITY MANAGER

\_\_\_\_\_\_

WHERAS, the City of Lodi is a participant in the California-Oregon Transmission Project (COTP) through agreements with the Transmission Agency of Northern California (TANC); and

WHEREAS, COTP is a 500 kV transmission line that runs from southern Oregon to central California which has provided access to power markets in the Pacific Northwest since 1993; and

WHEREAS, Project Agreement No. 5 provides for short term marketing of COTP transmission when that transmission is not being used by the participant who owns that transmission; and

WHEREAS, this marketing resulted in revenues of \$3,287,540 for the first seven months of 2012, with Lodi's share being \$34,500; and

WHEREAS, the present agreement limits sales to periods of less than a year, and the participants believe that extending sales periods up to and including one full year will increase these sales; and

WHEREAS, this change is made by simply changing Section 14 of the Agreement by replacing the words "less than" with the words "up to"; and

WHEREAS, staff recommends approval of this amendment since additional transmissions sales may be realized resulting in increased revenue.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve Amendment No. 1 to Amended and Restated Project Agreement No. 5 Between and Among the Transmission Agency of Northern California and Its Participating Members as attached hereto and made a part of this Resolution and authorizing execution by the City Manager with administration by the Electric Utility Director.

Dated:	February 6, 2013		

I hereby certify that Resolution No. 2013-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL City Clerk

### **AGENDA ITEM C-10**

**AGENDA TITLE:** Authorize the City Manager to Execute an Assignment for City of Lodi and Delirium Fitness, LLC, for Use of 125 N. Stockton Street **MEETING DATE:** February 6, 2013 PREPARED BY: City Manager **RECOMMENDED ACTION:** Authorize the City Manager to execute an assignment for City of Lodi and Delirium Fitness, LLC, for use of 125 N. Stockton Street. **BACKGROUND INFORMATION:** The City of Lodi has owned the above-referenced property since 2000. The City previously rented the space to Jazzercise which terminated occupancy in 2009. P&K Fitness (Crossfit) has rented the space for the past two years. Crossfit is an alternative fitness concept which uses basic equipment and exercise strategies with personalized training. A provision of the agreement requires that the City approve any assignment of the lease. P&K fitness are now requesting that the lease be assigned in its current form to Delirium Fitness, LLC. Delirium is owned by a Lodi family which we believe will run the business in much the same way as P&K. Staff is supportive of the assignment with no other changes to the agreement. FISCAL IMPACT: Lease revenue for the Parks. Recreation and Cultural Services Department. **FUNDING AVAILABLE:** Not applicable. Konradt Bartlam City Manager

APPROVED: \_\_\_\_\_ Konradt Bartlam, City Manager

### **AGENDA ITEM C-11**



AGENDA TITLE: Adopt Resolution of Intent to Vacate the 200 Block of West Walnut Street Between

Church Street and Pleasant Avenue and set a Public Hearing for February 20,

2013

**MEETING DATE:** February 6, 2013

PREPARED BY: Public Works Director

**RECOMMENDED ACTION**: Adopt resolution of intent to vacate the 200 block of West Walnut

Street between Church Street and Pleasant Avenue and set a

public hearing for February 20, 2013.

**BACKGROUND INFORMATION**: The proposed vacation is requested by St. Anne's Catholic Church

and includes the public right of way along the 200 block of West Walnut Street as shown on Exhibit A. The church currently controls

the properties on both sides of Walnut Street. The school is located on the south side of the street and the church facilities are located on the north side. The vacation requested is primarily to improve student access between the school and church facilities.

To improve student safety, St. Anne's Catholic Church plans to develop a "plaza area" adjoining the school and church by incorporating a park like setting that includes meandering walking paths, fountain(s), sitting area(s), landscaping, drop-off/pick up zones and other elements of beautification. A draft layout of the plaza area is included in Exhibit B.

A traffic study was performed by K.D. Anderson and Associates to determine the impacts of vacating Walnut Street between Church Street and Pleasant Street. The study concluded there would be minimal impacts to parking and no reduction in the level of service for the local street network.

The appraisal to determine the fair market value of the proposed vacation is currently being performed. The results of the appraisal will determine the purchase price and will be presented at the public hearing. Reconstruction of the alley north of Walnut Street between Church and Pleasant Streets as well as the traffic signal improvements at the intersection of Walnut and Church Streets will be required. The public benefit of the improvements may partially offset the purchase price.

The proposed vacation was approved by the Lodi Planning Commission with conditions on Wednesday, December 12, 2012. Minutes of the December 12, 2012 Planning Commission Meeting are attached as Exhibit C.

FISCAL IMPACT:	Not applicable.
FUNDING AVAILABLE:	Not applicable.
DMS (dw.	F. Wally Sandelin Public Works Director

Attachments

cc: Charlie Swimley, City Engineer / Deputy Public Works Director Denise Wiman, Senior Eng. Technician

APPROVED:		
	Konradt Bartlam, City Manager	



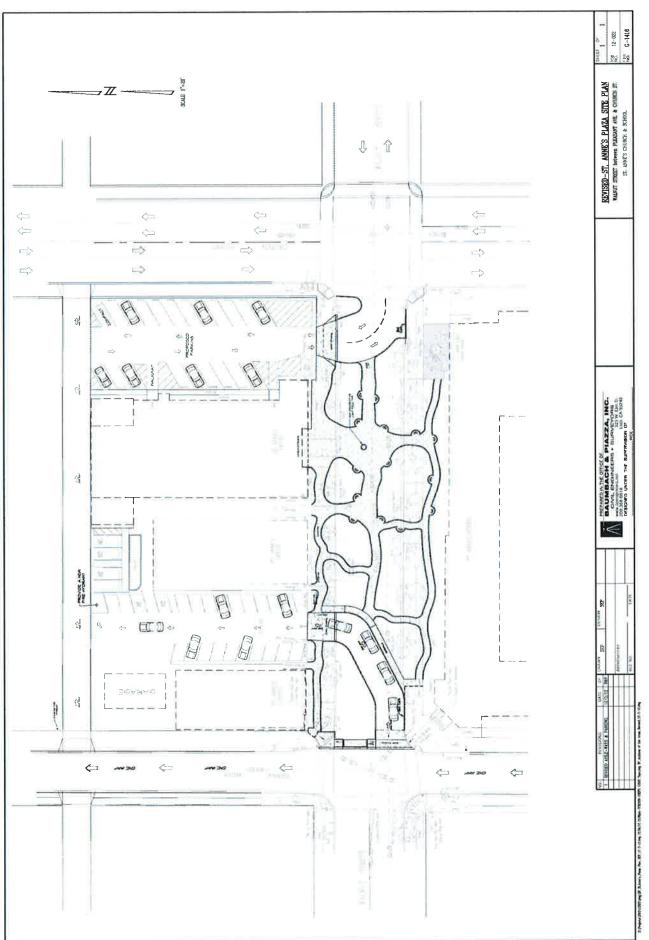
# PROPOSED STREET ABANDONMENT

# 200 BLOCK OF WEST WALNUT STREET 80 FOOT RIGHT-OF-WAY PLEASANT STREET TO CHURCH STREET









**REVISED SITE PLAN** 

KD Anderson & Associates, Inc.
Transportation Engineers
5048-01 LT 12/4/12

- Commissioner Olson asked what the bar hours are. Mr. Snider stated that the bar is open from the time that the cardroom opens until 2 am. Olson asked what the restaurant hours are. Snider stated that the restaurant hours are 8 am to 2 am. Olson asked why we are being asked to add an hour on either end. Mr. Snider stated that that is when poker players like to play. He added that this isn't a typical bar setting. It isn't a rowdy setting.
- Commissioner Hennecke asked what type of paging is done. Mr. Snider stated that it is for the players are waiting for a table or out taking a break. Hennecke suggested that maybe using the type of pagers that light up will alleviate the problem.
- Commissioner Heinitz stated his appreciation for the benefit that the establishment has brought to Lodi.
- Chair Kirsten stated his agreement with Commissioner Heinitz's sentiments.

### Public Portion of Hearing Closed

 Commissioner Hennecke asked if there are any special conditions for the cardroom in regards to the ratio of food services verses alcohol. Mr. Bartlam stated that is no difference in the ratio.

#### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request to amend a previously approved Use Permit 07-U-01 to increase the number of tables, expand the hours of operation and increase the number of legal cardroom games at 1800 S. Cherokee Lane subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners - Heinitz, Hennecke, Jones, Kiser, Olson and Chair Kirsten

Noes: Commissioners - None
Absent: Commissioners - Cummins

Chair Kirsten recused himself from item 3e) because he has property interest within the sphere of influence of the proposed project. Vice Chair Jones moved to the Chair's seat.

e) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Jones called for the public hearing to consider the request from St Anne's Catholic Church (SACC) and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street to create a park and plaza area between the church and school facilities.

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and the Planning Commission will need to make the finding for vacating, closing, Walnut Street and forward the recommendation on to the City Council.

Commissioner Heinitz stated that he studied the traffic and spoke to the neighbors and he thought that Pleasant Avenue and Lee Avenue could be brought back to a two-way traffic with parking only on one side. Heinitz asked if the plaza will be open to everyone twenty four hours a day seven days a week. Mr. Bartlam stated that the commission could put that as a condition if that is their wish. Heinitz would like to see a condition that requires the employees to not park on Pleasant or on Walnut. He would like to see a cueing plan for the pick-up and drop-off of students.

Commissioner Kiser stated that he has a few of the same concerns as Commissioner Heinitz.

Commissioner Hennecke stated his concern about routing all the traffic through that narrow alleyway on the north side of the project.

Commissioner Olson asked if this will change the timing of the light on Church Street. Mr. Bartlam stated that it could based on the triggering that is in the street. Olson asked if the ownership of the property will transfer to St. Anne's. Mr. Bartlam stated that the church will have to purchase the property. Olson stated that the maintenance of the property will then fall to the church. Bartlam confirmed that to be correct.

Commissioner Kiser asked if there will be a signal or stop sign at Pleasant and Walnut. Mr. Bartlam stated that there will not be a signal at that intersection.

Commissioners Olson, Kiser, Hennecke, and Jones stated that they had conversations with the applicant regarding the project.

### Hearing Opened to the Public

- Father Brandon Ware, Pastor at St. Anne's, came forward to answer questions. Pastor stated that he has seen this done in other cities and the positive effect it has had on the community.
- Commissioner Kiser asked if Pastor Ware would be willing to agree to the conditions
  mentioned earlier by the Commissioners. Pastor Ware stated that he is willing to agree to
  the plaza never being closed to the community, but would need to be stepped through the
  other conditions at a little slower pace. Kiser asked if the church and school would be
  willing to go along with the condition of requiring employees to park in the parking lots and
  not on the streets. Pastor Ware stated that that sounds reasonable.
- Commissioner Olson is looking forward to watching this proposal grow, but would like to have some reassurance that the maintenance of the area will be taken care of by the Church. Pastor Ware stated that the church will be taking care of and maintaining the plaza. Olson encouraged Pastor Ware to create a maintenance fund for the plaza.
- Commissioner Heinitz asked about the funeral cueing that currently happens on Walnut Street. Pastor Ware showed on the plans what the thought was for cueing in cases of a funeral.
- Commissioner Hennecke asked if the parking lot on the east side of the church is mostly church parking and the parking lot on the west of the church is manly for staff. Pastor Ware stated that the parking lot to the east is shared with the Methodist Church to the north and the parking lot to the west is for staff.
- Dan Phillips, Walnut Street resident, came forward to oppose the project. Mr. Phillips is concerned that the downtown will turn into a parking lot for the church. Even tonight the streets are packed with cars. It makes it difficult to get the leaves picked up by the City because there isn't a day that the church staff doesn't park in front of his house. He is concerned about the Fire Department getting to his house in a timely manner in the case of an emergency. Mr. Phillips read a letter written by his wife.
- Addison Beach, Walnut Street resident, came forward to express concerns about the project. Mr. Beach stated that his driveway is constantly blocked. He has concerns with the security at night, will this be a place for the homeless to hang out when it isn't being supervised. He would like to see permit parking for in front of his house. Commissioner Olson asked for clarification that the problem parkers are from the church and school. Mr. Beach stated that it is from the school and church. Commissioner Heinitz asked if there had been any outreach by the church. Mr. Beach stated that they did have an outreach BBQ.
- Sharon Simmons, Pleasant Avenue resident, came forward to express concerns about the
  project. Ms. Simmons stated that she has many of the same concerns. She suggested
  that the church demolish the house that they own across the street from her home to create
  additional parking for the project. Vice Chair Jones asked if Ms. Simmons is in support of
  the project. Ms. Simmons stated that she would support the project if the parking concern

- would be addressed. Commissioner Hennecke asked if Ms. Simmons would be in support of taking Pleasant back to two-way traffic. Ms. Simmons stated that she would not be in support of that idea.
- Gerald Hanning, Hutchins Street resident, came forward to oppose the project, but would be okay with the project if it was left open to foot traffic. He suggested that the applicant try closing the street off for a trial-run and see how it works.
- Dale Stephens, Pleasant Avenue resident, came forward to oppose the project. Parking is a major issue. There is no parking in front of his house up until 9 pm and later. There used to be parking in the back of the church on the playground at one time. Unless there is something done with the parking Mr. Steven's can not support the project. Commissioner Olson asked if a parking permit for residences would alleviate the parking issue. Mr. Stephens stated that he honestly couldn't say with the apartments across the street. Commissioner Hennecke asked if the properties along this section of Pleasant have alley access to get additional parking. Commissioner Heinitz asked Mr. Stephens to keep an open mind and this could solve the problems that currently exist.
- Linda Larocca, Walnut Street resident, came forward to support the project. Ms. Larocca is
  more concerned with the speeding traffic that comes down the street currently. Blocking
  the street will alleviate this problem and make the area safer for the kids. The parking
  problem could be resolved if the school would open up the playground in the back for
  dropping off and picking up of students.
- Carmen Musch, Oak Street resident, came forward to support the project. Ms. Musch stated that the parking in the area isn't just because of the church and school, Hutchins Street Square and the downtown events are to blame.
- Annett Murdaca, Winerose Court resident and church parishioner, came forward to support
  the project. The parking issue can be worked out. The plaza will be a great place for
  people to come and rest or just to walk through. This will be a benefit to the Lodi
  community. Commissioner Olson asked if the public will be able to use this for personal
  use. Ms. Murdaca stated that people using the space for personal gain hasn't been
  discussed at this point.
- Bob Smith, Parkland Construction contractor for the project, came forward to support the project and answer design questions. Mr. Smith stated that the church has done quite a bit of outreach to the Community, City Staff, City Council, as well as the Planning Commissioners. A traffic study and parking study have been provided in the staff report. Vice Chair Jones asked about the number of parking spaces verses staff members. Mr. Smith stated that he did not have those figures in front of him, but that there has been much discussion with the Staff Members for both the church and school and believes through notification and education all the parking issues can be worked out. Commissioner Heinitz stated that the parking and cueing need to be conditions in the resolution.
- Dennis Taricco. Principal of St. Anne's School, came forward to address a question by Commissioner Olson regarding the staff parking on the streets. Mr. Taricco stated that the majority of the staff at the school park on Church Street, not on Pleasant. The playground in the back of the school is opened up for student pick-up after school. Commissioner Kiser stated that working on the education of the school staff and parents regarding the parking and the possibility of parking permits for residences could help with some of the objections, but there will have to be a commitment from the church and school. Mr. Taricco stated that he agrees with the idea and will make it a priority to get all school staffing to park in designated areas. Commissioner Hennecke stated that maybe putting the St. Anne's parking lot as a permit parking only for St. Anne's staff would help to stop other downtown parkers from using the St. Anne's parking lot. Hennecke asked Mr. Taricco to point out where the playground is and suggested using that as additional parking as well as a dropoff and pick-up area for students. Mr. Taricco stated that the area is opened up for parents to pick up there children in the afternoon. Mr Taricco pointed out the school crossing sign that sits at Pleasant and Walnut and stated that it has been hit so many times that it is now attached with tape to keep it in place. This intersection is a true hazard.

Dave Kirsten, downtown business owner, came forward to address the Commission.
Commissioner Hennecke asked if Chair Kirsten was allowed to address the Commission on
an item that he had to recues himself. Director Bartlam stated that Mr. Kirsten, Joe Citizen,
is allowed to address the Commission. Mr. Kirsten stated his support for the project. He
believes that clear language should be placed in the resolution that allows for the public
access to be maintained in perpetuity for all of time.

### Public Portion of Hearing Closed

- Commissioner Kiser stated that he would be in favor of the project only if the parking issues
  could be worked out. The area will need to be left open to the public forever, St. Anne's
  staff will have to park only in designated off street parking areas, and an approved cueing
  plan will need to be in place.
- Commissioner Heinitz asked what the options are for the Commission at this point. Mr. Bartlam stated that the resolution can be approved with additional conditions, the item can be continued, or the project can be denied.
- Commissioner Olson would like to see the resolution conditioned tonight rather than continuing the item to a later meeting. Mr. Bartlam suggests that the Commission direct staff to work with the City Traffic Engineer on the permit parking idea.
- Director Bartlam suggested the following conditions based on discussion:
  - o The Plaza area shall not be closed from public access except for special events.
  - Staff parking for the St. Anne's church and school shall not use the public right-of way.
  - Drop-off routes for St. Anne's school will occur off of the public street and will be reviewed and approved by the Community Development Director prior to implementation.

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request from St Anne's Catholic Church (SACC) and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street to create a park and plaza area between the church and school facilities subject to the conditions in the resolution with the addition noted above. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kiser, Olson and Vice Chair Jones

Noes: Commissioners - None

Absent: Commissioners - Cummins and Chair Kirsten

Chair Kirsten rejoined the Commission. He clarified the reason for recuesing himself from items 3b) and 3c) earlier was because of his property interest within the sphere of influence of the projects.

### 4. PLANNING MATTERS/FOLLOW-UP ITEMS

Director Bartlam stated that the Development Code Update will be going to the City Council to set the Public Hearing in February.

### 5. ANNOUNCEMENTS AND CORRESPONDENCE

None

### 6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions.

### 7. <u>ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE</u>

None

### RESOLUTION NO. 2013-

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO VACATE A PORTION OF WALNUT STREET FROM
CHURCH STREET TO PLEASANT AVENUE AND TO SET A PUBLIC
HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE
PROPOSED ABANDONMENT CAN BE HEARD

\_\_\_\_\_

WHEREAS, St. Anne's Catholic Church, the owner of all property on both sides of the 200 block of West Walnut Street (the "Property") have requested the vacation of the street right-of-way, and more particularly delineated on the attached map marked Exhibit A; and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the name of the owner of the title or interest in the Property as it appears on the latest equalized assessment roll is:

Owner: Pastor of St. Anne's Church Corp.

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

WHEREAS, a public hearing has been held by the Planning Commission on December 12, 2012 to determine General Plan Conformity; and

WHEREAS, the Planning Commission found the intent to vacate the proposed street right-ofway conforming to the General Plan as conditioned in Planning Commission Resolution 12-22.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

- 1. That this City Council does hereby fix Wednesday, February 20, 2013, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed abandonment may appear before this City Council and be heard; and
- 2. That the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and
- 3. That copies of this resolution shall be published for at least two successive weeks prior to February 20, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated:	February 6, 2013	j		

I hereby certify that Resolution No. 2013-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL City Clerk



# PROPOSED STREET ABANDONMENT

# 200 BLOCK OF WEST WALNUT STREET 80 FOOT RIGHT-OF-WAY PLEASANT STREET TO CHURCH STREET







### Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items

AGENDA TITLE: Public Hearing to Consider the Certification of the Final Negative

Declaration, Adoption of the Lodi Land Use Development Code, and Draft

Zoning Map

**MEETING DATE:** February 6, 2013

PREPARED BY: Community Development Department

**RECOMMENDED ACTION**: Public hearing to consider the certification of the Final

Negative Declaration, adoption of the Lodi Land Use

Development Code, and Draft Zoning Map

**BACKGROUND INFORMATION**: The City of Lodi adopted the current zoning ordinance in

1956. Since adoption, numerous text amendments have

occurred in response to changing development patterns and

concerns. However, the core elements of the 1956 document have remained intact. When the zoning ordinance was first adopted, the City was less than its current size and most development applications consisted of large tracts of land with hundreds of residential units. Today, the City is largely being developed with the majority of land use applications proposing smaller residential subdivisions or more modest commercial and industrial development.

On September 7, 2011, the City Council authorized the release of a Request for Proposals (RFP) for the update and implementation of the Development Code, which is intended to complete a process that began in 1999. The process was halted twice in the past mostly due to staffing and budgeting concerns. In December 2011, the City entered into a Professional Services Agreement with Raney Planning and Management, Inc., of Sacramento to facilitate a comprehensive Development Code Update. The City has been working with Raney Planning and Management on updating the current Zoning ordinance.

On July 11, 2012, a Draft Land Use and Development Code was released for public review. The Planning Commission held three sessions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code. The Draft Development Code was distributed to the Planning Commission in three segments. The first at the July 7<sup>th</sup> meeting included the introduction, residential districts and mixed use zoning districts. The August 8<sup>th</sup> meeting focused on the commercial and industrial districts. At the August 15<sup>th</sup> meeting, staff presented landscape ordinance, parking and sign standards, and standards for specific land uses such as child daycare facilities, recycling facilities, telecommunication facilities, etc. The entire Development Code document, as described, has been made available on the City's website with notification being made to both newspaper and the email list of interested parties.

At the Planning Commission Meeting of October 10, 2012, the Commission reviewed the document in its entirety, including the draft zoning map and the associated negative declaration prepared. After the Commission completed its review of the proposed Draft Development Code, Commission adopted

J:\Community Development\Council Communications\2013								
APPROVED:	Konradt Bartlam, City Manager							

a resolution recommending the City Council approve the Draft Development Code, Draft Zoning Map and Negative Declaration.

### **ANALYSIS**

To facilitate discussion on the Development Code, staff has divided the draft Development Code into three categories: A) residential and mixed-use zoning districts; B) commercial and industrial districts; C) landscaping, parking, sign and other specific uses such as childcare centers, home occupation permits, residential density bonus, et cetera.

### A. Residential and Mixed-Use Zoning Districts

The current zoning ordinance contains four different single-family (low density) residential districts: R-1 (Single-Family Residential), R-2 (Single-Family Residential), RE-1 (Single-Family Residential, Eastside) R-LD (Residential Low Density). The zoning designation numbers do not correlate with how many dwelling units are allowed; instead the numbers simply categorize the various lot sizes within the same zoning district. Lot sizes are the only differences between these zoning districts; otherwise, the same height, lot coverage, setback, parking requirements and other zoning restrictions apply to each zoning district.

The proposed Development Code merges the R-1, R-2, RE-1, and LD-R zoning districts into a single land use classification: Low Density Residential. Merging the various single family residential districts into a single classification will now be consistent with the 2010 General Plan, which provides one Low Density Residential land use designation. This land use designation is intended for residential development at densities of two to eight units per acre. Similarly, the proposed Development Code seeks to merge the current RG-A (Residential Garden Apartments) and RM-D (Residential Medium Density) zoning districts into Medium Density Residential land use designation. There is no discernible land use difference between the RG-A and RM-D zoning districts. Finally, the RH-D (Residential High Density) zoning district will remain unchanged. As drafted, the Development Code classifications simplify the document and eliminate unnecessary duplication of zoning districts. In addition, the three proposed residential zones (LD-R, MD-R, and HD-R) will now be consistent with the three General Plan land use designations (LDR, MDR, and HDR) and the General Plan's allowable densities. The table below summarizes the different proposed changes and relationship t the 2010 General Plan.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
R-1: Single-Family Residential		
R-2: Single-Family Residential		Low Density Residential
RE-1: Single-Family Residential	Low Density Residential	(2 – 8 DU/AC)
Eastside		
R-LD: Residential Low Density		
RG-A: Residential Garden	Medium Density Residential	Medium Density Residential
Apartments		8 – 20 DU/AC
RM-D: Residential Medium		
Density		
RH-D: Residential High Density	High Density Residential	High Density Residential
		15 – 35 DU/AC

Merging of various low density (single family) residences into a single zoning district makes the Development Code accessible, removes unnecessary redundancy and makes it easier for the public to use and understand. In addition, the draft Development Code updates the City's policy regarding second dwelling units (or granny units) consistent with State Law (Government Code Section 65852.2) governing residential second units. The amendment related to second dwelling unit is that (a) the maximum floor plan for a second dwelling unit is now be 640 sq. ft. whereas the current zoning ordinance allows no more than 400 sq. ft.; and (b) the draft Development Code updates procedures

allowing a second dwelling unit by establishing a ministerial review process for second units. A ministerial action is an objective decision which does not require subjective judgment, and is not subject to public notification, comment, or appeals.

### Mixed-Use Districts:

A key initiative of the 2010 General Plan policy is to create mixed-use designations. The purpose of the Mixed-Use zoning districts is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the 2010 General Plan. The intent of these zones are to accomplish the following objectives:

- Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging;
- Provide complementary residential, commercial, and other uses within walking distance of each other;
- Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with 2010 General Plan Community Design and Livability Element;
- Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment;
- Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

The proposed mixed-use districts are described as follows:

#### Downtown-Mixed Use (DMU)

As described in the City's 2010 General Plan, Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density (15-35 du/ac) residential uses on infill sites in the vicinity of Lodi's downtown. This classification encompasses an expanded downtown area, across the railroad tracks and extending past Main Street. Retail uses or eating and drinking establishments are required at the ground level. This category intends to maintain the mix, scale and character of downtown development, while providing opportunities for redevelopment of vacant, and underutilized sites. The maximum FAR (floor area ratio) for this designation is 3.0, which includes all residential and non-residential uses combined. "Floor Area Ratio," or FAR, is defined as the gross floor area permitted on a site divided by the net area of the site, expressed in decimals of one or two place. For residential categories, densities are expressed in terms of persons per acre as well as housing units per acre. In non-residential areas, intensity is expressed using FAR. For example, a FAR of 0.5 means the developer is allowed to build the equivalent of a one-story building over half of the entire lot, or a 1-story over half the lot. A FAR of 1.0 means that the developer is allowed to build the equivalent of a one-story building over the entire lot, or a 2-story over half the lot. A FAR of 2.0 means the developer is allowed to build the equivalent of a twostory building over the entire lot, or a 4-story over half the lot.

At the proposed development intensity of 3.0 FAR for the Downtown Mixed Use district, all parking is expected to be provided offsite; if on-site parking is provided, lower development intensities, as specified in the Development Code Parking Section, would be allowed.

### Mixed Use Corridor (MCO)

The Mixed-Use Corridor classification includes a variety of office and general commercial uses, as well as low, medium, and high-density residential uses along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category allows for somewhat more intensive development along these corridors to take advantage of vacant and underutilized sites and provide shopping and services to residents in highly accessible corridors. The maximum FAR for this designation is 1.2. Most

of Kettleman Lane presently is zoned R-C-P (residential, commercial and professional). The RCP zoning district allows a mixture of uses such as residential development up to medium density; institutions of an educational or philanthropic nature; business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices; beauty shops and barbershops; and rest and convalescent homes. The proposed Mixed Use Corridor provides development directions, expands uses allowed and creates design guidelines currently absent.

### Mixed Use Center (MCE)

This classification identifies new mixed-use neighborhood centers in the new growth areas of the General Plan. This category provides for a variety of residential, office, neighborhood commercial and public uses. The Mixed Use Center designation is prescribed by the 2010 General Plan and applies to areas currently outside of the City limits but within the General Planning area.

### B. <u>Commercial and Industrial Districts</u>

### Commercial Districts:

The zoning ordinance in effect contains several commercial districts with indiscernible differences. These commercial districts are C-1 (Neighborhood Commercial), C-2 (General Commercial), R-C-P, (Residential-Commercial-Professional), C-S (Commercial Shopping) and C-M (Commercial Light Industrial). The C-1 zoning district permits residential, retail businesses, trade, commercial enterprise or professional and business office use, undertaken for the purpose of rendering neighborhood service. The C-2 zoning district allows all uses permitted in the C-1 zoning district and other non-industrial commercial or business uses. The R-C-P zoning district allows business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices. This district is found along South Fairmont Avenue, and areas around Ham Lane, Pine Street, Vine Street, and Kettleman Lane. C-S zoning district is effectively used for community/regional shopping centers. Finally, the C-M district is a transitional district from the commercial districts to industrial districts. This C-M district is found along Sacramento Street in the Downtown area.

The Development Code proposes to merge the C-1, C-2 and C-M zoning districts into a single zoning designation to create GC (General Commercial) District. The C-M zoning district is the City's only transitional district from commercial to industrial. C-M zoning district applies areas abutting Sacramento Street in the Downtown area. Because the C-1 and C-2 zoning districts abut residential properties, and the C-M district is similar to the C-2 district, the uses permitted over the years on these districts are similar in nature. It no longer makes planning sense to maintain separate zoning districts with near identical requirements and zoning regulations.

The R-C-P zoning district is found along Kettleman Lane, Fairmont Avenue and Orange Avenue. This is the area where medical, dental, and other health-care oriented services are located. The Development Code proposes to re-designate the area as an Office use, which would permit medical and general offices. Finally, the proposed CC district applies to the local and regional shopping centers. The Development Code proposes to re-designate the area with the same requirements in effect. The final product is a more user friendly document.

### **Industrial Districts:**

Industrial uses vary from commercial uses in that industrial uses typically have increased noise, odor, dust, smoke, truck traffic, and other items that may be objectionable to adjacent uses. Additionally these uses tend to require less parking and have different hours of operation than commercial uses as they are focused on manufacturing products rather than selling to customers. There are two main purposes of the Industrial Zone: to provide an area of town where industrial uses can be clustered and to buffer these uses from residential and commercial uses so there are no negative affects from the industrial operations.

The Industrial Zones in the City can be found east of State Highway 99 and along the UPRR line (Main Street). Lodi Municipal Code in effect features two classifications: M-1(Light Industrial) and M-2 (Heavy Industrial). M-1 zoning district permits light industrial/manufacturing uses such as food processing, packaging and storage; bottling plants; manufacturing and assembling of jewelry, watches, clocks, precision instruments, appliances; and other similar manufacturing uses. The M-2 zoning district permits all uses permitted in the commercial and M-1 zoning districts. Because of that fact the Code in effect allows uses permitted in the Light Industrial districts in the M-2 zoning district, all types of uses can be found across both zoning districts, including more commercial type uses in this Industrial Zone. For this reason, the 2010 General Plan and the Development Code merged the two industrial zoning districts into a single zoning district as illustrated below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
M-1 (Light Industrial) M-2 (Heavy Industrial)	M (Industrial) District.	Industrial (.6 FAR)
BP (Business Park)	BP (Business Park) District.	Business Park (1.0FAR)

The proposed Development Code creates BP (Business Park) Zoning District. This is consistent with the 2010 General Plan and applies to new growth areas of the General Plan. The General Plan identifies the new growth areas appropriate for planned, visually attractive centers for business that do not generate nuisances (noise, clutter, noxious emissions, etc.). This zone accommodates campuslike environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities and other similar uses that generate high employment possibilities.

### C. Landscape, off-street parking, sign, and other specific land uses items

### Landscape:

The current Municipal Code contains landscape requirements that are in conflict with State requirements. The California Water Conservation in Landscaping Act of 2006 (AB 1881) requires each city to adopt a Model Water Efficient Landscape Ordinance developed by the California Department of Water Resources (DWR) or the city's own local water efficient landscape ordinance that achieves the same goals or better. The City of Lodi enforces the State's landscape ordinance. The requirements for landscape plans include a landscape documentation package which consists of project information, a water efficient landscape worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan, as part of the Design Review application. Prior to issuance of a Certificate of Occupancy, a certificate of completion and scheduling of irrigation and maintenance would be required. The worksheet includes calculation of a Maximum Applied Water Allowance and Estimated Total Water Use.

In addition to State requirements, staff has added language to address landscape requirements for all residential zoning districts. The existing zoning ordinance is silent whether or not residential front and street side yards should be landscaped and maintained. Instead, the existing ordinance stipulates that "no person shall install or place asphalt, concrete or other similar material upon more than forty-five percent of any front or street side yard setback." This has lead to un-maintained and dirt front and street side yards.

### Parking:

A key initiative of the Development Code as it relates to parking standards is to modernize the City's parking requirements. The existing zoning code is restrictive where it needs not be and broad where it needs to be specific. For example, Industrial/warehouse/manufacturing uses are required to provide one space for each 750 square feet of building, or two parking spaces for every three employees in the largest shift, whichever is greater. More often than not, parking provided exceeds demand or need. To

address these types of issues, the Development Code revises some requirements, provides specific details where needed, and adds new standards where appropriate.

### Sign:

The Development Code does not propose major changes to the existing sign area requirements. In its current form, the Sign Ordinance has been working well for the City and business community. However, it needs significant update to address the following issues:

**Master sign program for large shopping centers:** The existing Sign Ordinance does not speak to sign programs. In the past, the City has approved sign programs though the SPARC and Planning Commission review process. The proposed Development Code provides clear language and direction for sign programs. For example, a new nonresidential project with four or more tenants, or a major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling, would require a sign program.

**Programmable electric signs:** Electronic reader boards are currently allowed by the Zoning Ordinance via a Use Permit process under Section 17.63.080, which reads "Flashing, moving or animated signs are subject to the issuance of a use permit, and no such permit shall be issued if the sign will tend to cause a traffic hazard." Within this section, the City has allowed electronic signs on commercial properties. Staff continuously receives inquiries for electronic signs from churches, health-care related institutions and alike. Staff proposes minimum standards to safeguard life, health, property and public welfare, and to preserve the unique character of the town by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of electronic signs.

**Definition of allowable and prohibited signs:** The existing Sign Ordinance does not provide definitions of allowed and prohibited signs. The proposed Development Code identifies 13 different sign types that have been determined to be inconsistent with the purposes and standards of the Sign Chapter.

**Maintenance requirements:** The proposed Development Code contains language within the sign ordinance (Section 17.36.100) for nonconforming or abandoned signs in an effort to create a clearer framework. This section emphasizes the importance of achieving the eventual elimination of nonconforming signs within the City. The previous development standards provided a conformance deadline but provided a number of different ways to maintain a sign's nonconforming status. The proposed Development Code clarifies the allowed continued uses of nonconforming signs and to minimize the occasions whereby they remain over the long-term.

### Standards for Specific Land Uses:

This section provides site planning and development standards for various land uses that are allowed in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts. The regulations contained involve:

- \* Child Day Care Facilities
- \* Residential Density Bonus
- Outdoor Storage
- \* Recycling Facilities
- \* Telecommunications Facilities

- \* Home Occupations
- \* Recycling Facilities
- \* Recreational Vehicle Parks
- \* Mobile Home Parks
- \* Recreational Vehicle Parks

A new addition this Draft Development Code is the introduction of a residential density bonus program. Density bonus means a density increase over the otherwise maximum allowable residential density in order to create affordable housing. State law (Government Code 6591 5) requires every city and county in California to offer density bonuses to senior housing projects and developments meeting certain affordability criteria. The State has established a "sliding scale" which awards density bonuses based on the percentage of units in a proposed development that are affordable, and the income group served. For example, a new apartment building in which 10 percent of the units are "set

PH Development Code Page 7 of 7

aside" for low income households (e.g., rented at rates deemed affordable to low income households) would be eligible for a 20 percent density bonus. If that same project set aside 20 percent of the units for low income households, the density bonus would increase to 35 percent. Under State law, cities must offer density bonuses up to at least 35 percent.

In addition, the State Density Bonus law also requires that other incentives be offered in tandem with the added density. For example, projects may be eligible for reduced setbacks, added height, expedited permitting, and similar concessions which make the project more feasible. The number of incentives depends on the depth of affordability and the number of affordable units to be built. State law also includes provisions for density bonuses if a housing development includes an onsite child care facility.

The City does not currently have an inclusionary housing requirement or housing density bonus program. The proposed Residential Density Bonus program responds to a State mandate to allow more density than would ordinarily be allowable for certain types of housing (e.g., senior housing and affordable housing). It includes requirements for Affordable Housing Agreements which specify the terms of occupancy, limits on resale (for for-sale units), the number of years during which the unit must remain affordable, and the eligibility requirements. The purpose of adopting such a program is twofold: first, the City hopes to encourage affordable housing by providing the incentive of increased density and such other incentives and, second, to comply with state requirements for allowing incentives for creating affordable and senior housing projects.

The other part of this section of the Code relates to large residential and day care facilities, which are largely governed by State laws with limited local control. The State has found that it has the responsibility to ensure the health and safety of children in family homes that provide daycare. It has also found that there is a shortage of regulated family day care homes in California and, with the increase in working parents, a growing need for such facilities. Local jurisdictions are required by State law (Health and Safety Code Section 1597.46) to grant use permits for large family day care homes "if the large family childcare home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements." The Development Code establishes local control via Use Permit to ensure site suitability and distance from other similar establishments. The remaining topics raised within this Chapter mirror the existing Municipal Code.

FISCAL IMPACT: Not applicable.

**FUNDING AVAILABLE**: Not applicable.

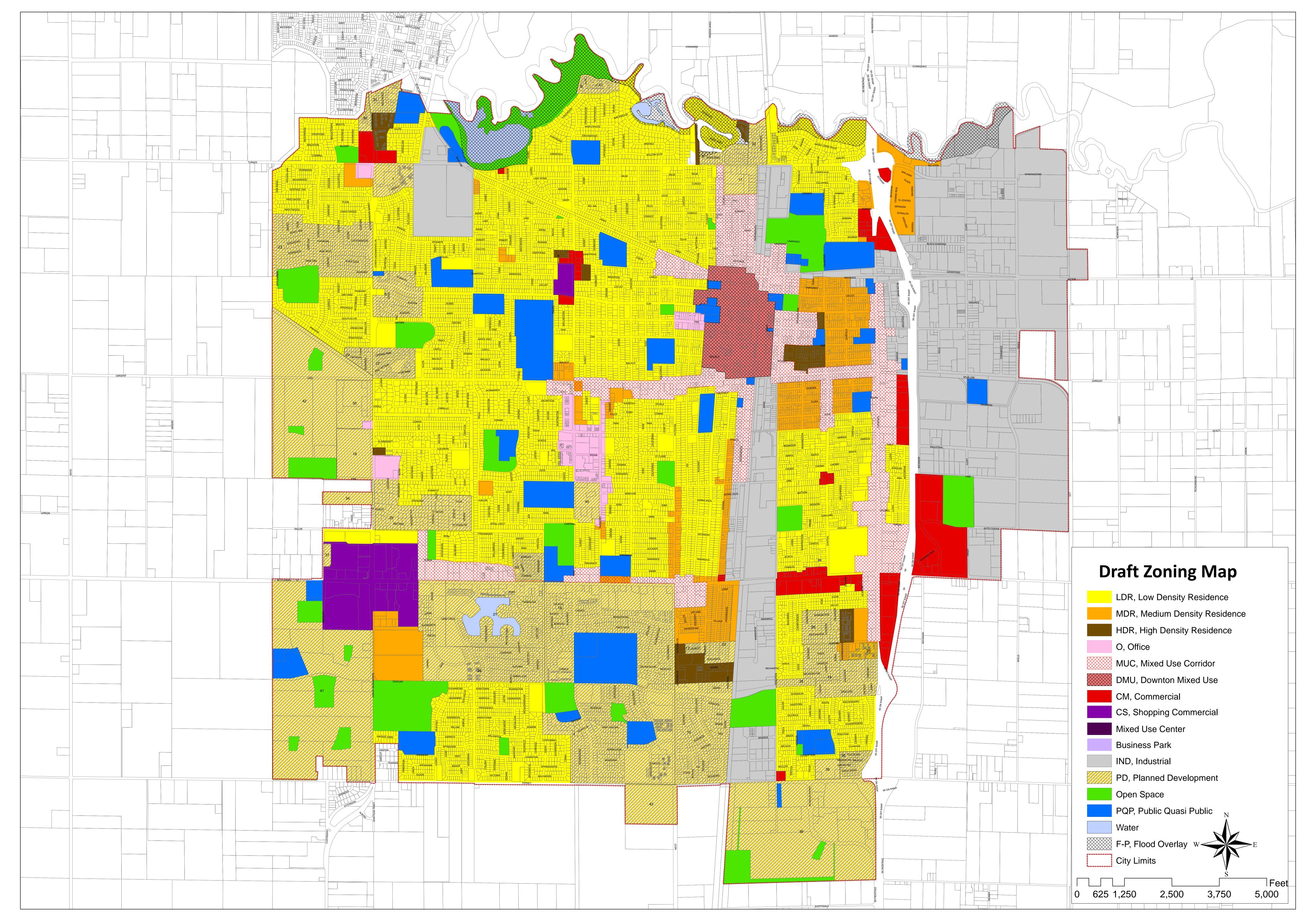
\_\_\_\_\_

Konradt Bartlam Community Development Director

KB/IB

### Attachment:

- Draft Zoning Map
- 2. Draft Development Code
- 3. Draft Negative Declaration
- 4. Planning Commission Staff Report
- 5. Planning Commission Resolution 12-22
- 6. Planning Commission minutes of October 10, 2012
- 7. Draft Resolution
- 8. Draft Ordinance



## http://www.lodi.gov/community\_development/dev\_code\_zoning.html

## Please use the link above to view this document and additional documents related to this item

## **City of Lodi**

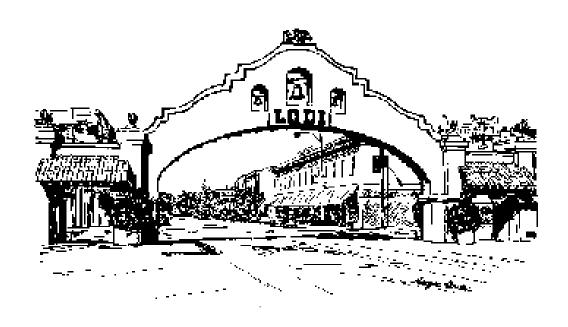
## **Development Code**

September 2012

City of Lodi Community Development Department 221 West Pine Street Lodi, California 95241

## City of Lodi Development Code Update

# **Draft**Initial Study/Negative Declaration



Prepared by:

City of Lodi Planning Division 221 West Pine Street Lodi, California 95240

### Draft

## **Initial Study/Negative Declaration**

For

### CITY OF LODI DEVELOPMENT CODE UPDATE

September 2012

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### 1. PROJECT TITLE:

City of Lodi Development Code Update

### 2. LEAD AGENCY NAME AND ADDRESS:

City of Lodi 221 West Pine Street Lodi, CA 9540

### 3. CONTACT PERSONS:

Environmental document: Manny Bereket: 209-333-6711

### 4. PROJECT LOCATION

City of Lodi (Citywide Development Code)

### 5. PROJECT SPONSOR'S NAME AND ADDRESS:

City of Lodi, Community Development Department 221 W. Pine Street Lodi CA 95240

### 6. PROJECT DESCRIPTION

The project involves the update of the City of Lodi Development Code and zoning map to achieve consistency with the 2010 General Plan that was adopted by the City Council in April 2010 as well as with changes to Federal and State laws that have occurred since the adoption of the existing Development Code. The Development Code update implements the policies of the 2010 General Plan by classifying and regulating the development and uses of land and structures within the City through the City's zoning, subdivision, and other land use regulations. Figure 1 shows the location of Lodi within the greater San Joaquin Valley region and Figure 2 shows the City's boundaries.

The 2010 General Plan was the subject of a Final Environmental Impact Report (EIR) that was certified by the City Council in April 2010. As noted above, the Development Code update is being considered in order to ensure that the Code is consistent with the 2010 General Plan. Because the Development Code update is entirely consistent with the 2010 General Plan, this Negative Declaration tiers off of the 2010 General Plan FEIR(SCH#2009022075) in accordance with Section 15152 of the *CEQA Guidelines*. As such, the environmental analysis focuses on potential effects not examined in the 2010 General Plan FEIR.

Together, this Initial Study/Negative Declaration (IS/ND) and the 2010 General Plan FEIR constitute the environmental record for the proposed Development

Code update. The 2010 General Plan FEIR can be viewed at Lodi City Hall (221 West Pine Street, Lodi CA 95240) or on the City's website (http://www.lodi.gov/community\_development/EIR%20pdfs/EIRs.html).

**Article I** contains basic information on the legal framework of the Development Code and describes the land uses and development-related activities that are regulated by the Development Code. It also provides information on how to use the code.

**Article II** contains chapters on different types of zoning districts (residential, commercial, etc.) that are applicable to public and private property within the City. These chapters list the specific types of land uses allowed in each zoning district and the type of land use/development permit that must be obtained prior to initiating each use. Article II also contains basic development standards for each zoning district and regulations for each land use.

**Article III** provides development standards that apply across zoning districts, including requirements for landscaping, off-street parking and loading, and signage. Article III also contains regulations for specific land uses and development types that may be allowed in a variety of zoning districts.

**Article IV** details each type of land use and development permit required by the Development Code and the City's requirements for the preparation, filing, processing, and approval of each permit application. This article also sets time limits for exercising a permit, and time extension procedures.

**Article V** comprises the City's subdivision ordinance. Article V provides site planning and design regulations for new subdivisions, and the procedural requirements for subdivision approval consistent with the mandates of the California Subdivision Map Act.

**Article VI** provides information on the Development Code's administration, amendments, enforcement, public hearings, and appeals. Article VII also contains provisions governing nonconforming structures, uses, and lots.

**Article VIII** contains definitions of the specialized and technical terms and phrases used in the Development Code.

The Development Code update is not intended to fundamentally alter the existing Code. Rather, its primary purposes are to:

- Ensure consistency with newly adopted 2010 General Plan
- Comply with Federal and State law (specific changes listed below)
- Incorporate existing Code interpretations
- Improve Code organization and usability

Close loopholes and correct unclear language

Changes to the Development Code fall into three main categories:

### 1. Technical

- Creation of consistent capitalization, punctuation and structure
- Re-phrasing of language to improve consistency of text for legal purposes
- Elimination of "loopholes" and ambiguity

### 2. Consistency

- Text changes to ensure internal consistency
- Update for consistency with Federal and State Law
- New development standards

### 3. Policy Implementation

• New chapters or sections

The Zoning Map, shown on Figure 3, has also been updated to be consistent with 2010 General Plan Land Use Map, to include:

- Mixed Use Corridor
- Downtown Mixed Use
- Mixed Use Center

Key elements that have been added to the Development Code to implement 2010 General Plan policies include:

- Development Standards for Downtown Mixed Use, Mixed Use Corridor, and Mixed Use Center Districts, including setbacks, height, parking and signage.
- Parking standards for senior housing developments.
- Density Bonus program.
- Updated antennas/wireless communications section for compliance with State regulations

The following changes have been made in accordance with State and Federal requirements:

- Allowing transitional/supportive housing by right in the residential districts.
- Regulations regarding large daycare uses within residential zones

### 7. SURROUNDING LAND USES AND SETTING:

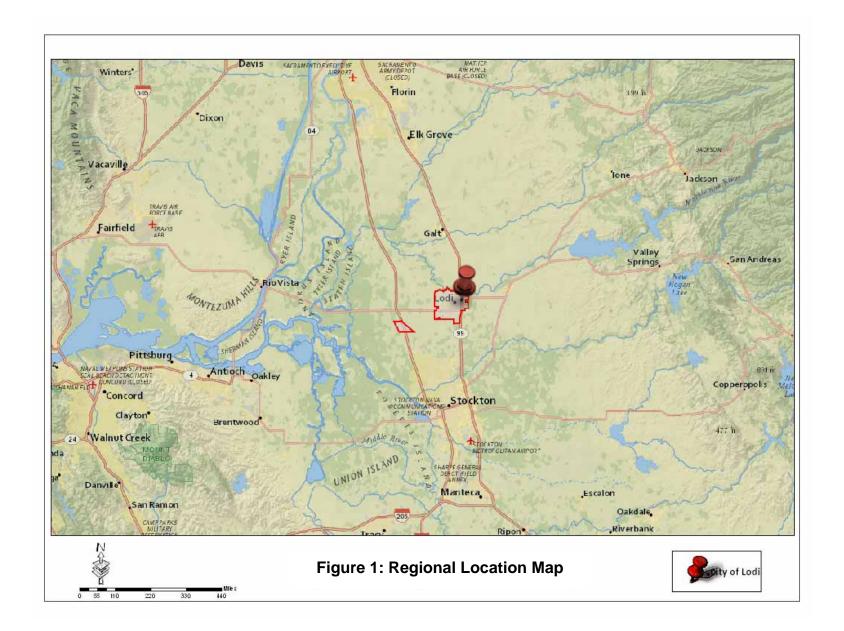
Lodi is situated in the San Joaquin Valley between Stockton, 6 miles to the south; Sacramento, thirty-five miles to the north; and along State Route (SR) 99. The City

is located on the main line of the Union Pacific Railroad and is within 5 miles of I-5 via SR-12. The regional is depicted in Figure 2.1, Regional Location Map.

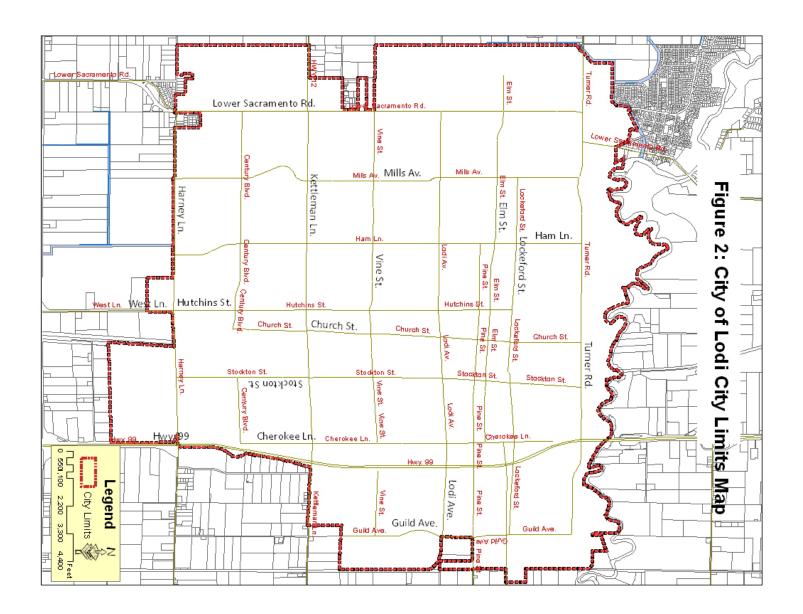
The Mokelumne River forms the northern edge of the city; Harney and Hogan lane southern edge. The Central California Traction Line (CCT) railroad (north of Kettleman Lane) and SR-99 (south of Kettleman Lane) form the eastern boundary. The western boundary extends approximately one-half mile west of Lower Sacramento Road. Lodi (exclusive of White Slough Water Pollution Control Facility) encompasses an area of 12.3 square miles. Figure 2 – 1: Regional Map illustrates the City's location in regional context.

### 8. NECESSARY PUBLIC AGENCY APPROVALS:

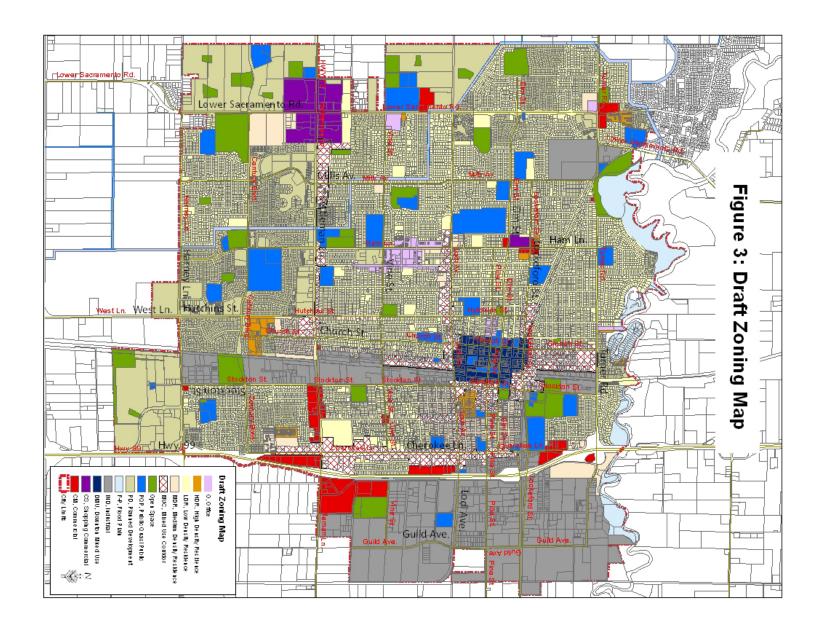
The City of Calabasas is the lead agency with responsibility for approving the proposed Development Code update. No other public agency approvals are needed.



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### 9. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project as indicated by the checklist on the following pages.

I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.  I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.  I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.  I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. Ar Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.  I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	Env	ironmental Factors Potentially Affec	ted			
Geology/Soils		Aesthetics		Agriculture Resources		Air Quality
Geology/Soils		Greenhouse Gas Emissions		Biological Resources		Cultural Resources
Population/Housing		Geology/Soils				-
Transportation/Traffic Utilities/Services Systems  Mandatory Findings of Significance  Description  I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.  I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.  I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.  I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. At Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.  I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.		Land Use/Planning		Mineral Resources		Noise
Mandatory Findings of Significance  Description  I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.  I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.  I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.  I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. At Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.  I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.		Population/Housing		Public Services		Recreation
D. ENVIRONMENTAL DETERMINATION  I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.  I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.  I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.  I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.  I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.		Transportation/Traffic		Utilities/Services Systems		
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Konradt Bartlam, Community Development Director Date		I find that although the proposed all potentially significant effects Declaration pursuant to applicab that earlier EIR or Negative Decla	(a) ha	ve been analyzed adequately dards, and (b) have been av including revisions or mitiga	in a	nn earlier EIR or Negative I or mitigated pursuant to
	Konra	adt Bartlam, Community Develop	ment	Director Date		

# NOTICE OF AVAILABILITY AND NOTICE TO OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE CITY OF LODI DEVELOPMENT CODE UPDATE

Notice is herby given that the City of Lodi has performed a comprehensive evaluation of the potential impacts for the proposed Development Code Update in accordance with the *CEQA Guidelines*. This Notice is to advise interested individuals that the City of Lodi intends to adopt a Negative Declaration for the project described below.

The initial study prepared by the City was undertaken for the purpose of determining whether the proposed Development Code Update may have a significant effect on the environment. On the basis of the initial study, Community Development Department staff has concluded that the proposed Development Code Update will not have a significant effect on the environment, and therefore has prepared a proposed Negative Declaration 12-ND-02. The initial study reflects the independent judgment of the City.

In accordance with provisions of the CEQA Guidelines, the Draft Negative Declaration tiers off of the 2009 General Plan Final Environmental Impact Report (FEIR) (SCH# 2009022075 that was certified by the City Council in April 2010. Together, this Draft Negative Declaration and the 2009 General Plan FEIR constitute the environmental record for the proposed Development Code Update. The 2010 General Plan FEIR can be viewed at Lodi City Hall (221 West Pine Street, Lodi Ca 95240) or on the City's website <a href="http://www.lodi.gov/com\_dev/EIRs.html">http://www.lodi.gov/com\_dev/EIRs.html</a>

FILE NUMBER: 12-ND-02

**PROJECT TITLE:** City of Lodi Development Code Update

**PROJECT LOCATION:** The Lodi Master Plans study area includes the current city boundaries. Lodi (exclusive of White Slough Water Pollution Control Facility) encompasses an area of 12.3 square miles.

**PROJECT DESCRIPTION:** The project involves the update of the City of Lodi Development Code and zoning map to achieve consistency with the 2010 General Plan that was adopted by the City Council in April 2010 as well as with changes to Federal and State laws that have occurred since the adoption of the existing Development Code. The Development Code update implements the policies of the 2010 General Plan by classifying and regulating the development and uses of land and structures within the City through the City's zoning, subdivision, and other land use regulations.

**PUBLIC REVIEW PERIOD:** As mandated by State law, the minimum public review period for this document is 20 days. The proposed Negative Declaration will be circulated for a 20-day public review period, beginning on **Wednesday**, **September 19**, **2012** and

ending on **Monday**, **October 8**, **2012**. Copies of the Draft Negative Declaration and Draft Development Code documents are available for review at the following locations:

- Community Development Department, 221 West Pine Street, Lodi, CA 95240
- Lodi Public Library, 201 West Locust Street, Lodi, CA 95240

The Negative Declaration and Draft Development Code Update are also available for review on the internet at the following web address: <a href="http://www.lodi.gov/com\_dev/EIRs.html">http://www.lodi.gov/com\_dev/EIRs.html</a>

Any person wishing to comment on the Initial Study and proposed Negative Declaration must submit such comments in writing **no later than 5:30 pm on Monday, October 08, 2012** to the City of Lodi at the following address:

Community Development Director City of Lodi P. O. Box 3006 Lodi, CA 95241

Facsimiles at (209) 333-6842 will also be accepted up to the comment deadline (please mail the original). For further information, contact Immanuel Bereket, Associate Planner, at (209)333-6711.

Konradt Bartlam, Community Development Director City of Lodi P. O. Box 3006 Lodi, CA 95241

A public hearing will be scheduled before the Planning Commission and City Council to receive comments on the document and to adopt the Negative Declaration. This meeting will be separately noticed when the date and time are set.

Konradt Bartlam, Community Development Director	Date	

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
1		STHETICS . uld the Project:				
	a.	Have a substantial adverse effect on a scenic vista?			•	
	b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			•	
	C.	Substantially degrade the existing visual character or quality of the site and its surroundings?			•	
	d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			•	

a-d) The updated provisions of the Development Code would implement 2010 General Plan policies and the impacts of implementing the Development Code would be similar to those identified in the 2010 General Plan FEIR. As identified in the FEIR, impacts to scenic vistas, scenic resources, visual character, and light/glare conditions could occur. However, proposed General Plan policies identified in the FEIR would reduce such impacts to below a level of significance. Moreover, land use and development standards contained in Article II and site planning and design standards contained in Development Code Article III would further reduce the potential for aesthetic impacts.

The proposed Development Code also includes an update of the antennas/wireless communications facilities section's (Development Code Section 17.36.140) standards for compliance with State and Federal regulations. This section would ensure that proposed facilities would not affect scenic resources by prohibiting such facilities within residential districts (other than in public rights-of-way) and by providing standards requiring use of subdued colors, non-reflective materials, landscape screening, and architecturally compatible elements.

Overall aesthetic impacts would be similar to those described in the 2030 General Plan FEIR and, with implementation of General Plan policies and Development Code standards, would be **less than significant**.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
2	In dei signifi Calife Mode an op	termining whether impacts to agricultural resources are itermining whether impacts to agricultural resources are iteration and environmental effects, lead agencies may refer to the iteration and Site Assessment and Evaluation and Site Assessment el (1997) prepared by the California Dept. of Conservation as iterational model to use in assessing impacts on agriculture and land. Would the Project:				
	a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program in the California Resources Agency, to non-agricultural use?				•
	b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				•
	c.	Conflict with existing zoning for, or cause rezoning of forest land (as defined in PRC Sec. 4526), or timberland zoned Timberland Production (as defined in PRC Sec. 51104 (g)?				•
	d.	Result in loss of forest land or conversion of forest land to non-forest use?				•
	e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				•

a-e) The updated provisions of the Development Code would implement 2010 General Plan policies and the impacts of implementing the Development Code would be similar to those identified in the 2010 General Plan FEIR. The proposed project would have no effect on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as farming, gardening, and similar uses would be allowed in all zoning districts by right. **No impact** would occur with respect to this issue.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
3		t QUALITY. uld the Project:				
	a.	Conflict with or obstruct implementation of the applicable air quality plan?				•
	b.	Violate any air quality standard or contribute substantially to an existing or Projected air quality violation?			•	
	C.	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			•	
	d.	Expose sensitive receptors to substantial pollutant concentrations?			•	
	e.	Create objectionable odors affecting a substantial number of people?				•

- a) Growth regulated by, and the impacts of, the Development Code would be similar to those identified in the 2010 General Plan FEIR. Generally, a project would conflict with or potentially obstruct implementation of an air quality plan if it would contribute to population growth in excess of that forecasted in the air quality management plan (California Air Resources Control Board, 2007). The proposed update to the Development Code would not result in an increase of population for the City beyond that forecast in the 2010 General Plan FEIR. Consequently, as noted in the FEIR, the Development Code update is not expected to generate population in excess of that envisioned in the local Air Quality Management Plan (AQMP). **No impact** would occur.
- b-d) As noted above under item a, the proposed Development Code update would not facilitate development beyond that forecast in the 2010 General Plan FEIR. Therefore, no impacts beyond those identified in the FEIR would occur and both temporary and long-term air quality impacts would be **less than significant**.
- e) Growth regulated by the Development Code update generally would not be expected to create odors or expose people to odors. Zoning districts contained in Article II of the Development Code and site planning and design standards contained in Article III would further reduce the potential for odor impacts by ensuring that incompatible uses are not located in proximity to each other or that compatibility issues are addressed through site design. **No impact** would occur with respect to odors.

Issu	es		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
4		ENHOUSE GAS EMISSIONS. ald the Project:				
	a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				•
	b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				•

a-b) Growth regulated by the Development Code update generally would not be expected to create odors or expose people to odors. Zoning districts contained in Article II of the Development Code and site planning and design standards contained in Article III would further reduce the potential for odor impacts by ensuring that incompatible uses are not located in proximity to each other or that compatibility issues are addressed through site design. **No impact** would occur with respect to odors.

Issues			Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
5		LOGICAL RESOURCES  Id the proposal:				
	a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			•	
	b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			•	
	C.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			•	
	d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?			•	
	e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			•	
	f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?				•

a-e) Growth regulated by the Development Code would be consistent with that identified in the 2010 General Plan FEIR. Therefore, as discussed in the FEIR, implementation of 2010 General Plan policies would reduce biological resource impacts to a **less than significant** level.

f) Similar to the 2010 General Plan, the Development Code update would not facilitate development that would conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. **No impact** would occur.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
6		LTURAL RESOURCES uld the Project:				
	a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			•	
	b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to \$15064.5?			•	
	c.	Directly or indirectly destroy a unique paleontological resource or unique geologic feature?			•	
	d.	Disturb any human remains, including those interred outside of formal cemeteries.			•	

a-d) Updates to the Development Code with regards to cultural resources involve no technical changes. No consistency or policy changes are proposed. Therefore, cultural resource impacts associated with development regulated by the Development Code would be similar to those identified in the 2010 General Plan FEIR. As discussed in the FEIR, implementation of 2010 General Plan policies would reduce cultural resource impacts to a less than significant level. Therefore, as with the 2010 General Plan, impacts associated with the Development Code would be **less than significant**.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
7		OLOGY AND SOILS. old the Project:				
	a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
		i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			•	
		ii. Strong seismic ground shaking?			•	
		iii. Seismic-related ground failure, including liquefaction?				
		iv. Landslides?			•	
	b.	Result in substantial soil erosion, or the loss of topsoil?			•	
	C.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			•	
	d.	Be located on expansive soils, as defined in Table 18-1-13 of the Uniform Building Code (1994), creating substantial risks to life or property?			•	
	e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			•	

a-d) There are no mapped surface or subsurface faults that traverse the city and the city is not listed within a State designated Alquist-Priolo Earthquake Fault Zone. Any future construction will be required to employ building standards set forth in the City's Building Code, including specific provisions for seismic design of structures. In addition, the General Plan FEIR concluded that impacts associated with seismic-related ground shaking would be reduced to less than significant due to mandatory compliance with building codes, policies contained in the General Plan, and mitigation measures included in the General Plan EIR. These mitigation measures require site-specific geologic investigation of seismic and geotechnical hazards potential for new development projects within the city. The proposed project would not change or have any effect on these existing regulations or mitigation measures; no new impacts associated with ground shaking or liquefaction would occur.

As discussed in the *Safety Element* of the 2010 General Plan, development regulated by the 2010 is subject to California Building Code, Fire Code, Municipal Code and other accepted safety practices. The final version of the 2010 General Plan includes policies that address potential impacts by requiring site-specific studies for projects. Development regulated by the Development Code would be similar to that forecast in the 2010 General Plan FEIR; thus, impacts would also be similar and would be **less than significant**. In addition, the Development Code includes various standards that would further reduce the potential for geologic impacts.

e) In coordination with the 2030 General Plan, the Development Code would regulate development in areas where septic systems are used. However, any proposed new septic systems would be subject to applicable regulatory requirements, including percolation tests to ensure that such systems can be operated without significant environmental effects. In addition, 2010 General Plan directs the City to continue monitoring the operation of existing septic systems and extend sanitary sewer service into areas where service is lacking if the provision of sewer service is determined to be technically warranted, economically feasible, and environmentally beneficial. Impacts would be **less than significant**.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
8		ZARDS AND HAZARDOUS MATERIALS.  eld the Project:				
	a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			•	
	b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			•	
	C.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			•	
	d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			•	
	e.	For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?				•
	f.	For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?				•
	g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			•	
	h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			•	

a-d) Numerous Federal, State and local regulations regarding use, storage, transportation, handling, processing and disposal of hazardous materials and waste have been adopted since the passage of the Federal Resource Conservation and Recovery Act (RCRA) of 1976. The goal of RCRA is to assure adequate tracking of hazardous materials from generation to proper disposal. California Fire Code (CFC) Articles 79, 80 et al., which augment RCRA, are the primary regulatory guidelines

used by the City and the County of San Joaquin to govern the storage and use of hazardous materials. The CFC also serves as the principal enforcement document from which corresponding violations are written.

Senate Bill 1082 (1993) established the "Unified Hazardous Waste and Hazardous Materials Management Regulatory Program." The Unified Program consolidates, coordinates, and makes consistent the following hazardous materials and hazardous waste programs (Program Elements):

- Hazardous Waste Generation (including onsite treatment under Tiered Permitting)
- Aboveground Petroleum Storage Tanks (only the Spill Prevention Control and Countermeasure Plan or "SPCC")
- Underground Storage Tanks (USTs)
- Hazardous Material Release Response Plans and Inventories
- California Accidental Release Prevention Program (Cal ARP)
- Uniform Fire Code Hazardous Material Management Plans and Inventories

The Federal government and the State of California have adopted a series of regulatory requirements pertaining to lead exposure. A discussion of all lead-related regulations can be found on the Department of Health Services website (http://www.dhs.ca.gov/childlead/html/GENregs.html).

The following databases were checked for known hazardous materials contamination in the project area:

- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database
- Geotracker search for leaking underground fuel tanks, Spills-Leaks-Investigations- Cleanups (SLIC) and Landfill sites
- Cortese list of Hazardous Waste and Substances Sites
- The Department of Toxic Substances Control's Site Mitigation and Brownfields Database.

The abovementioned databases list a number of sites in and around the City. Potential hazard impacts could occur due to the presence of soil and/or groundwater contamination. However, as discussed in the 2010 General Plan EIR, numerous Federal, State, and local regulations regarding use, storage, transportation, and disposal of hazardous materials and waste are in place and the 2010 General Plan contains policies that aim to minimize adverse impacts to health and quality of life associated with exposure to hazardous materials. Continued compliance with existing regulatory requirements and General Plan policies would address contamination impacts on a case-by-case basis. As development regulated by the Development Code would be similar to that forecast in the 2010 General Plan FEIR, impacts would be **less than significant**.

e, f) The City limits are outside of the Part 77 Horizontal Surface zone of the Lodi Airpark and Kingdon Executive Airport. Part 77 Horizontal Surface zone consists of the airport's

primary, horizontal, conical, approach and transitional surfaces. Therefore, **no impact** is anticipated.

g, h) The City's newly adopted 2010 General Plan identifies both urban and wildland fire hazards exist in the Lodi Planning Area, creating the potential for injury, loss of life, and property damage. Urban fires primarily involve the uncontrolled burning of residential, commercial, and/or industrial structures due to human activities. Factors that exacerbate urban structural fires include substandard building construction, highly flammable materials, delayed response times, and inadequate fire protection services. The City of Lodi is not characterized by substantial areas of wildlands. The topography of the City is relatively homogenous and steep slopes that could contribute to wildland fires are not common. The City's General Plan indicates that less than one percent of the City and its immediate vicinity has "Moderate" fire hazard potential. Growth regulated by the Development Code would be consistent with that forecast in the 2010 General Plan FEIR. As such, impacts to emergency response would be similar as well. Site planning and project design standards contained in the Development Code would ensure that emergency response access is maintained for individual properties within the City. Impacts would be less than significant.

B HYDROLOGY AND WATER QUALITY  Would the Project:  a. Violate any water quality standards or waste discharge requirements?  b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?  c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?  e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  f. Otherwise substantially degrade water quality?  g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  j. Inundation by seiche, tsunami, or mudflow?	Issu	ies		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
discharge requirements?  b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted!?  c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?  e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  f. Otherwise substantially degrade water quality?  g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	9						
interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?  c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?  e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  f. Otherwise substantially degrade water quality?  g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		a.					-
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the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?  e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  f. Otherwise substantially degrade water quality?  g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		C.	the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-			•	
exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  f. Otherwise substantially degrade water quality?		d.	the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-			•	
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		e.	exceed the capacity of existing or planned stormwater drainage systems or provide substantial			•	
as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		f.	Otherwise substantially degrade water quality?			•	
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?  i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		g.	as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard			•	
loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		h.	Place within a 100-year floodplain structures which would impede or redirect flood flows?			•	
j. Inundation by seiche, tsunami, or mudflow? $\ \square$		i.	loss, injury or death involving flooding, including			•	
		j.	Inundation by seiche, tsunami, or mudflow?				

a, b) Growth regulated by the Development Code would be consistent with the General Plan and with the forecasts contained in the 2010 General Plan FEIR. Any future development would be required to comply with applicable water quality standards and

waste discharge requirements. Therefore, any future development would not affect groundwater supplies or recharge. **No impact** would occur with respect to these issues.

- c-f) Future development would incrementally alter drainage patterns within Lodi by adding impervious surfaces. However, Development Code does not propose alteration of any water course or specific modification to drainage patterns. As indicated in the General Plan Final Program EIR, all future development would be required to incorporate adequate drainage that would transport runoff to local basins and nearby storm channels. Additionally, the General Plan Growth Management Element and Safety Element policies and policy actions further protect community members from drainage and flooding harm. All future developments would be subject to the requirements of the City of Lodi's Stormwater and Urban Runoff Pollution Control Ordinance, which address provisions that apply to the discharge, deposit, or disposal of any stormwater and/or runoff to the storm drain system and/or receiving waters within any area covered by the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit. The FEIR concluded that implementation of these policies and regulations would reduce impacts to below a level of significance. Therefore, because development regulated by the Development Code would be consistent with that forecast in the FEIR, impacts associated with Development Code implementation would be less than significant.
- g-i) In coordination with the 2030 General Plan, the proposed Development Code would regulate development within the 100-year flood zone. However, as discussed in the 2010 General Plan FEIR, 2010 General Plan requires developments to incorporate adequate mitigation measures to achieve an acceptable level of risk from potential flooding hazards. The FEIR concludes that this and other policies would reduce flood hazards to a less than significant level. Because development regulated by the Development Code would be consistent with forecasts contained in the 2010 General Plan FEIR, flooding impacts associated with Development Code implementation would also be **less than significant**.
- j) Lodi is not subject to risks relating to seiche or tsunami. Lodi is located inland from the Pacific Ocean and as such, is not subject to tsunami hazards. The project limits are relatively flat and fully urbanized and therefore not susceptible to mudflows. The potential for exposure to such risks would be the same as that identified for the 2030 General Plan and, with implementation of 2010 General Plan policies and existing City regulations, would be reduced to a **less than significant** level.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
10		ND USE AND PLANNING. uld the Project:				
	a.	Physically divide an established community?				•
	b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?				
	c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				•

j) The proposed update to the Development Code is specifically intended to achieve consistency with the 2010 General Plan and other relevant plans. The Development Code would not facilitate any roads or other facilities that would divide an established community. No adopted habitat conservation plans or natural community conservation plans apply in Lodi. Allowing transitional/supportive housing by right within the Residential Multi- Family (RM) zone and emergency shelters within the Commercial Limited (CL) zone could have the potential to create land use conflicts relating to visual compatibility and noise; however, implementation of Development Code standards on such development would effectively address any potential conflicts as all projects would be required to comply with applicable development standards and noise restrictions. No impact relating to land use and planning would occur.

Issu	es		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
11		MINERAL RESOURCES Would the Project:				
	a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				•
	b.	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				•

a-b) The 2010 General Plan prohibits the extraction of mineral resources that could result in significant environmental impacts. Because development regulated by the Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR, it would not entail construction of structures or facilities for the purposes of extraction or exploration of mineral resources. **No impact** to mineral resources would occur.

Issues	,		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
12	NOI:	SE uld the Project result in:				
	a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			•	
	b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			•	
	c.	A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?			•	
	d.	A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?			•	
	e.	For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?				•
	f.	For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?				•

- a-c) As discussed in Section 4.9 of the 2030 General Plan FEIR, all future developments could result in the exposure of future developments and residents to higher noise levels that could exceed the City's Noise Standards. The General Plan Program EIR concluded that with adherence to the City's Noise Ordinance, impacts would be reduced to a less than significant level. Future development pursuant to the proposed project would also be subject to mitigation measures detailed in the General Plan FEIR. The Development Code would not change any General Plan policies associated with reduction of noise impacts. Impact would be less than significant.
- d) As discussed in the 2010 General Plan FEIR, construction activity throughout City could temporarily expose residents and businesses to temporary elevated noise levels. Similar impacts could occur as a result of Development Code implementation. However, the proposed Development Code specifies that no construction activities should take place before seven a.m. or after seven p.m. on any day. Through limitation of construction activity to times of day when people are less sensitive to noise, impacts would be reduced to a **less than significant** level.
- e, f) There is no airport located within two (2) miles of the City limits. The closest airport to the City limits is the Lodi Airpark, located approximately four (4) miles southwest of

the Project site, and supports twenty to thirty (20-30) operations per day. The airport's noise "footprint" does not extend beyond the immediate airport boundary. Therefore, the City is not subject to excessive noise levels associated with airport operations. **No impact** would occur with respect to these issues.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
13		PULATION AND HOUSING uld the Project:				
	a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?			•	
	b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			•	
	C.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			•	

a-c) Development regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan. Consequently, anticipated population growth under the Development Code would be consistent with the forecasts contained in the 2010 General Plan FEIR. No exceedance of SCAG population forecasts for the City is anticipated. Impacts would be **less than significant**. The new zoning map is consistent with the adopted 2030 General Plan land use map. Therefore, though individual residences could be displaced over time, the Development Code would not facilitate displacement of substantial numbers of people or housing. Impacts would be **less than significant**.

Issue	es		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
14	Wot assoc gover gover signi servi	AIC SERVICES  And the Project result in substantial adverse physical impacts ciated with the provision of new or physically altered remental facilities, need for new or physically altered remental facilities, the construction of which could cause ificant environmental impacts, in order to maintain acceptable ice ratios, response times or other performance objectives for any be public services:				
	a.	Fire protection?				
	b.	Police protection?				
	c.	Schools?				
	d.	Parks?				
	e.	Other public facilities?				

a-i) The Lodi Fire Department (LFD) provides fire protection, basic life support (BLS), fire prevention, technical rescue, and hazardous materials response services to the City of Lodi. Growth regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR. Therefore, because it was determined that implementation of proposed 2010 General Plan policies would reduce potential impacts to below a level of significance, impacts associated with the Development Code would also be **less than significant**.

a-ii) The Lodi Police Department provides law enforcement and animal services to the City of Lodi. As discussed in the 2010 General Plan, forecast growth within Lodi would incrementally increase demand for police protection service. However, forecast growth would not create the need for new police protection facilities; therefore, significant impacts relating to police protection service are not anticipated. Because growth regulated by the proposed Development Code would be consistent with that regulated by the 2010 General Plan and forecast in the 2010 General Plan FEIR, impacts associated with the Development Code would also be **less than significant**.

a-iii) The Lodi Unified School District provides public education for grades preschool through twelve on a traditional calendar system. The proposed Development Code would facilitate similar levels of growth as were forecast in the 2030 General Plan FEIR, but would not create any new impact to schools beyond that noted in the FEIR. Section 65995(h) of the California Government Code (Senate Bill 50, chaptered August27, 1998) states that payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, pursuant to CGC §65995(h) and as identified in the 2010 General Plan FEIR, impacts relating to school capacity would be **less than** 

**significant** assuming that future developers within Lodi continue to pay State-mandated school impact fees.

a-iv) The City of Lodi operates a total of 27 parks, natural open space areas, and sports field. Park facilities in Lodi range from mini-parks and tot lots to larger regional parks and natural open space areas. Growth regulated by the proposed Development Code would create similar demand as that forecast for the 2010 General Plan, but would not create any impacts beyond those identified in the 2010 General Plan FEIR. Consequently, similar to the 2010 General Plan, impacts relating to parks and recreation would be **less than significant**.

a-v) As discussed above, growth regulated by the proposed Development Code is consistent with that forecast for the 2010 General Plan FEIR, significant impacts relating to libraries are not anticipated. Impacts relating to other services would be **less than significant**.

		Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
15	RE	CCREATION				
	a.	Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			•	
	b.	Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			•	

a-b) Please see the discussion above under Item XIII. a.iv. Impacts relating to recreation would be **less than significant**. Growth regulated by the proposed Development Code would create similar demand as that forecast for the 2010 General Plan, but would not create any impacts beyond those identified in the 2010 General Plan FEIR. Consequently, similar to the 2010 General Plan, impacts relating to parks and recreation would be **less than significant**.

Issue	es		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
16		NSPORTATION/TRAFFIC  uld the Project:				
	a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			•	
	b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			•	
	C.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				•
	d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			•	
	e.	Result in inadequate emergency access?				
	f.	Result in inadequate parking capacity?				•
	g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				•

a-b) As discussed in Section 3.2.13 of the 2010 General Plan FEIR, traffic growth regulated by the 2010 General Plan could not result in deficiencies to the local circulation system based on General Plan level of service standards. Growth regulated by the proposed Development Code would be similar to, but would not exceed, that regulated by the 2010 General Plan. Therefore, although Development Code implementation could create significant impacts as described above, it would not create any impacts beyond those identified in the 2030 General Plan FEIR. Therefore, impacts would be **less than significant**.

- c) Implementation of the proposed Development Code would have no effect on air traffic patterns. **No impact** would occur.
- d, e) Article III of the proposed Development Code includes specific site planning and project design standards intended to address such issues as traffic hazards and emergency access. As such, impacts relating to traffic hazards and emergency access would be **less** than significant.

- f) Article III of the proposed Development Code includes specific parking standards for the range of land uses that could be regulated by the Code. Implementation of these standards as individual projects are proposed would address parking demand and reduce impacts to a **less than significant** level.
- f) The purpose of the Development Code is to implement the policies of the 2010 General Plan, including Circulation Element policies relating to alternative transportation. As such, the Development Code would not conflict with such policies and **no impact** would occur.

Issues			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
17		ITIES AND SERVICE SYSTEMS uld the Project:				
	a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			•	
	b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			•	
	C.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			•	
	d.	Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?			•	
	e.	Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?			•	
	f.	Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?			•	
	g.	Comply with federal, state, and local statutes, and regulations related to solid waste?			•	

a, b e) The City owns and operates the wastewater collection system within its corporate limits. The collection system includes separate domestic and industrial sewers and related pumping facilities. Untreated wastewater is piped to the City's treatment plant through pipes, utilizing both gravity flow and lift stations, where appropriate. The City also owns the treatment facilities at the White Slough Water Pollution Control Facility (WSWPCF) located approximately 6 miles southwest of the City. The City has adopted and maintains a *Wastewater Master Plan* to estimate future infrastructure and service demands within Lodi. Because growth regulated by the Development Code is consistent with that regulated by the 2010 General Plan, sufficient plant capacity would continue to be available and impacts relating to wastewater service would be **less than significant**.

c) The proposed project does not involve any development activity. The project implements General Plan policies and programs. The project would not facilitate any substantial new development activity beyond that analyzed in the General Plan FEIR. The General Plan Program EIR included a mitigation measure which requires all new development to undertake a site-specific sewer evaluation prior to issuance of grading permits or otherwise determined as necessary by the City. Because growth regulated by the Development Code is consistent with that regulated by the 2010 General Plan,

sufficient plant capacity would continue to be available and impacts relating to wastewater service would be **less than significant**.

- d) City of Lodi Water supplies and distributes potable water. According to the City's Urban Water Management Plan (UWMP), the City currently has a net surplus in water supply given the City's current water entitlements and current water demand. In addition, year 2010 Projections show the City with a net surplus in water supply. The UWMP analyzed future growth within the City based on land use assumptions depicted in the City's General Plan. The proposed Project consists of activation of a well and would contribute to the City's water supply. The proposed project does not involve any development activity. The project implements General Plan policies and programs at a development level that does not exceed that which was analyzed in the General Plan EIR. Review of future projects will continue to be carried out to ensure that the projects are consistent with all General Plan Policies and Policy Actions. Impacts on water supplies or water supply infrastructure would be **less than significant**.
- f, g) As indicated in the General Plan EIR, The increased solid waste due to implementation of the General Plan could be accommodated within the existing landfill capacity. Adoption of the proposed Master Plans will not facilitate any substantial new development activity beyond that analyzed in the General Plan EIR, and thus will not lead to any significant solid waste production beyond that previously indicated. Furthermore, compliance with the City's Source Reduction and Recycling Element (SRRE) program, whereby all future development projects must divert solid waste to meet state diversion goals associated with AB 939, as well as State and County waste reduction programs and policies, would reduce the volume of solid waste entering landfills. Review of future projects will continue be carried out to ensure that the projects are consistent with all General Plan Policies and Policy Actions and the SRRE program. Adherence to such requirements would reduce potential impacts associated with solid waste to a less than significant impact level. Growth regulated by the proposed Development Code would be consistent with that regulated by the 2030 General Plan and forecast in the 2010 General Plan FEIR. Therefore, the Development Code would not create any impacts beyond those identified in the 2010 General Plan FEIR and impacts would be less than significant.

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Issues	Potentiali	Less Than		1210

			y Significan t Impact	Significant With Mitigation Incorporat ed	Than- Significan t Impact	Impact
18	MA	ANDATORY FINDINGS OF SIGNIFICANCE				
	a.	Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			•	
	b.	Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?			•	
	C.	Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			•	

- a) As discussed in Section IV, *Biological Resources* and Section V, *Cultural Resources*, the proposed Development Code does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Impacts would be **less than significant**.
- b) The proposed Development Code considers cumulative growth within Lodi and, as discussed throughout this Initial Study, significant cumulative impacts associated with developed regulated by the Development Code are not anticipated. Consequently, no cumulatively considerable impacts would occur and impacts would be **less than significant**.
- c) As discussed in Section III, *Air Quality*; Section VI, *Geology and Soils*; Section VII, *Hazards and Hazardous Materials*; Section VIII, *Hydrology and Water Quality*; Section XI, *Noise*; and Section XV, *Transportation and Traffic*, the proposed Development Code would not create environmental effects that would adversely affect human beings. Impacts would be **less than significant**.

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<b>Documents Referenced</b>		

- Alquist-Priolo Earthquake Fault Zoning Act (http: www.consrv.ca.gov/dmg/shezp/maps/mora4.htm).
- California Environmental Quality Act Guidelines, as amended.
- California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective, 2005.
- California Air Resources Board (CARB), *Ambient Air Quality Standards*, last updated February, 2007.
- California Air Resources Board, California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit, 2007.
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- California Geological Survey (CGS), Probabilistic Seismic Hazards Mapping Ground Motion Page, http://redirect.conservation.ca.gov/cgs/rghm/psha/pshamap.asp, accessed February 25, 2010.
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- California, State of, Department of Transportation. Scenic Highway Guidelines. Also available online at http://www.dot.ca.gov/hq/LandArch/scenic/guidelines/scenic\_hwy\_guidelines.pd
- California, State of, Water Resources Control Board. GeoTracker. 2008. Available online at <a href="http://www.geotracker.swrcb.ca.gov">http://www.geotracker.swrcb.ca.gov</a>
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database, http://www.epa.gov/superfund/sites/cursites/, accessed online September 18, 2012.
- Cortese list of Hazardous Waste and Substances Sites, http://www.dtsc.ca.gov/SiteCleanup/Cortese\_List.cfm, accessed online July 2009.
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- City of Lodi. 2006. 2005 Urban Water Management Plan: Final Report. Prepared by RMC, March 2006.

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Map Panel Number 06077C0169F, Effective Date October 16, 2009.
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# CITY OF LODI PLANNING COMMISSION Staff Report

MEETING DATE: October 10, 2012

APPLICATION NO: N/A

REQUEST: Request for Planning Commission to Recommend to the City

Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative

Declaration.

**LOCATION:** City Wide

APPLICANT: City of Lodi

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend that the City Council approve the Draft Lodi Land Use and Development Code, Draft Zoning Map, and Certify Negative Declaration.

#### **REVIEW AUTHORITY:**

Pursuant to Lodi Municipal Code, the Planning Commission is the recommending body for reviewing amendments to the Lodi Land Use and Development Code and Zoning Map, and the City Council is the final approval body.

#### **BACKGROUND:**

The City of Lodi adopted the current zoning ordinance in 1956. Since adoption, numerous text amendments have occurred in response to changing development patterns and concerns. However, the core elements of the 1956 document have remained intact. When the zoning ordinance was first adopted, the City was less than its current size and most development applications consisted of large tracts of land with hundreds of residential units. Today, the City is largely being developed with the majority of land use applications proposing smaller residential subdivisions or more modest commercial and industrial development.

Following an extensive public outreach period, on April 2010, the City Council considered and approved of a comprehensive update to the City's General Plan. The 2010 General Plan created new land use categories, merged several commercial and industrial land use categories, and created a vision for the City's the next twenty years. The final phase of the General Plan update project consists of updating the City's Land Use and Development Code to make the Code consistent with the policies of the updated General Plan.

On September 7, 2011, the City Council authorized the release of a Request for Proposals (RFP) for the update and implementation of the Development Code, which is intended to complete a process that began in 1999. The process was halted twice in the past mostly due to staffing and budgeting concerns. In December 2011, the City entered into a Professional Services Agreement with Raney Planning and Management, Inc., of Sacramento to facilitate a comprehensive Development Code Update. The City has been working with Raney Planning and Management on updating the current Zoning Ordinance. The Land Use and Development Code update includes revisions in order to:

- Consistent with the City's 2010 General Plan
- Comply with Federal and State laws
- Improve the organization and usability of the Code
- Eliminate inconsistencies and remove obsolete text.

On July 11, 2012, a Draft Land Use and Development Code was released for public review. The Planning Commission held three sessions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code. The Draft Development Code was distributed to the Planning Commission in three segments. The first at the July 7<sup>th</sup> meeting included the introduction, residential districts and mixed use zoning districts. At the Commission's August 8<sup>th</sup>, the commercial and industrial districts were introduced. On the last meeting, the staff presented landscape ordinance, parking and sing standards, and standards for specific land uses such as child day care facilities, recycling facilities, telecommunication facilities etc. The entire Plan as described has been made available on the web-site with notification being made by both newspaper and to the mailing list of interested parties.

Since July 11, 2012, approximately 6 to 8 residents and other interested parties met with staff to discuss the proposed zoning amendments. At the conclusion of these workshops, and in response to feedback received, the Draft Development Code was revised further. Prior to this hearing, a hard copy of the Development Code incorporating all the changes has been made available for public review and distributed to interested parties. In addition, a copy of the zoning map was distributed and made public on the City's website.

### **DISCUSSION/ANALYSIS:**

The purpose of this hearing is for the Planning Commission to review the Draft Development Code. The attached Draft Development Code incorporates changes and revisions that have occurred as result of public comments received and internal review of the document. To facilitate discussion on the Development Code, staff has divided the draft Development Code into three categories: A) residential and mixed-use zoning districts; B) commercial and industrial districts; C) landscaping, parking, sign and other specific uses such as childcare centers, home occupation permits, residential density bonus, etcetera.

## A. Residential and Mixed-Use Zoning Districts

The current zoning ordinance contains four different single-family (low density) residential classifications: R-1 (Single-Family Residential), R-2 (Single-Family Residential), RE-1 (Single-Family Residential, Eastside) R-LD (Residential Low Density). The zoning designation numbers do not correlate with how many dwelling units are allowed; instead the numbers simply categorize the various lot sizes within the same zoning classification. Lot sizes are the only differences between these zoning districts; otherwise, the same height, lot coverage, setback, parking requirements and other zoning restrictions apply to each zoning district.

The proposed Development Code merges the R-1, R-2, RE-1, and LD-R zoning districts into a single land use classification: Low Density Residential. Merging the various single family residential districts into a single classification will now be consistent with the 2010 General Plan, which provides one Low Density Residential land use designation. This land use designation is intended for residential development at densities of two to eight units per acre. Similarly, the proposed Development Code seeks to merge the current RG-A (Residential Garden Apartments) and RM-D (Residential Medium Density) zoning districts into Medium Density Residential land use designation. There is no discernible land use difference between the RG-A and RM-D zoning districts. The RH-D (Residential High Density) zoning district will remain unchanged. As drafted, the Development Code classifications simplify the document and eliminate unnecessary duplication of zoning districts. In addition, the three proposed residential zones (LD-R, MD-R, and HD-R) will now be consistent with the three General Plan land use designations (LDR, MDR, and HDR) and the General Plan's allowable densities. The table below summarizes the different proposed changes and relationship to the 2010 General Plan.

DEVELOPMENT FEATURE	REQUIREMENT BY ZONING DISTRICT			
	RLD	RMD	RHD	
Minimum lot size	Minimum area, width, and depth required for new parcels.			
Area - Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.	
Area - 2-Family	6,000 sq. ft. <sup>(1)</sup>	5,000 sq. ft.	4,000 sq. ft.	
Area - Multi-Family		8,000 sq. ft.	8,000 sq. ft.	
Minimum lot area per unit	Minimum lot area per unit determines the maximum number of dwellings that may be allowed on a parcel where this Chapter allows more than one dwelling unit per parcel.			
Single Family	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.	
2-Family	3,000 sq. ft. <sup>(1)</sup>	3,000 sq. ft.	2,000 sq. ft.	
Multi-Family		4,000 sq. ft. for 1 <sup>st</sup> unit plus 2,000 sq. ft. for each additional unit	5,000 sq. ft. for 1 <sup>st</sup> unit plus 1,000 sq. ft. for each additional unit	
Density <sup>(1)</sup>	Up to 8 du/ac	8.1 to 20 du/ac	15 to 35 du/ac	
Lot Street Frontage Width	50'		50' for one dwelling 60' for two dwellings	
Setbacks	Minimum and, where noted, maximum setbacks required. See Section 17.30.070 for exceptions to these requirements.			
Front	15 ft.			
Sides (each)	5 ft.			
Street side	10 ft.			
Rear	10 ft.			
Garage	20 ft. from any property line abutting a street, 5 ft. from alley			
Site coverage	45%	50%	60%	
l '			4 stories, not to exceed 60 ft.	
(2) Duplex, Corner lots only				

Beyond establishing consistency with the General Plan densities will be the concern of the public about how the change in the zoning numbering scheme affects their property in regard to setbacks, height, lot coverage and in particular allowable use. For the most part these will remain unchanged. Key changes affecting residential districts are merging of various low density (single family) residences into a single zoning district. This makes the document accessible, removes unnecessary redundancy and improves its usability. In addition, the draft Development Code updates the City's policy regarding second dwelling units (or granny units) consistent with requirements State Law (Government Code Section 65852.2) governing residential second units. The amendment related to second dwelling unit is that (a) the maximum floor plan for a second dwelling unit is now 640 sq. ft. whereas the current zoning ordinance allows no more than 400 sq. ft.; and (b) the draft Development Code updates procedures allowing a second dwelling unit by establishing a ministerial review process for second units. A ministerial action is an objective decision which does not require subjective judgment, and is not subject to public notification, comment, or appeals.

### Mixed-Use Districts:

A key initiative of the 2010 General Plan policy is to create mixed-use designations. The purpose of the Mixed-Use zoning districts is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the 2010 General Plan. The intent of these zones are to accomplish the following objectives:

- Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging;
- Provide complementary residential, commercial, and other uses within walking distance of each other:
- Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with 2010 General Plan Community Design and Livability Element;
- Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment;
- Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

The proposed mixed-use districts are described as follows:

### Downtown-Mixed Use (DMU)

As described in the City's 2010 General Plan, Downtown Mixed Use is intended for a variety of commercial, office, public, and medium- and high-density (15-35 du/ac) residential uses on infill sites in the vicinity of Lodi's downtown. This classification encompasses an expanded downtown area, across the railroad tracks and extending past Main Street. Retail uses or eating and drinking establishments are required at the ground level. This category intends to maintain the mix, scale and character of downtown development, while providing opportunities for redevelopment of vacant, and underutilized sites. The maximum FAR (floor area ratio) for this designation is 3.0, which includes all residential and non-residential uses combined. At this development intensity all parking is expected to be provided offsite; if on-site parking is provided, lower development intensities, as specified in the Development Code Parking Section, would be allowed.

### Mixed Use Corridor (MCO)

The Mixed-Use Corridor classification includes a variety of office and general commercial uses, as well as low, medium, and high-density residential uses along the city's major corridors: Kettleman and Cherokee lanes and Lodi Avenue. This category allows for somewhat more intensive development along these corridors to take advantage of vacant and underutilized sites and provide shopping and services to residents in highly accessible corridors. The maximum FAR for this designation is 1.2. Most of Kettleman Lane presently is zoned R-C-P (residential, commercial and professional). The RCP zoning district allows a mixture of uses such as residential development up to medium density; institutions of an educational or philanthropic nature; business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices; beauty shops and barbershops; and rest and convalescent homes. The proposed Mixed Use Corridor provides development directions, expands uses allowed and creates design guidelines currently absent.

### Mixed Use Center (MCE)

This classification identifies new mixed-use neighborhood centers in the new growth areas of the General Plan. This category provides for a variety of residential, office, neighborhood commercial and public uses. The Mixed Use Center designation is prescribed by the 2010 General Plan and applies to areas currently outside of the City limits but within the General Planning area.

### **B.** Commercial and Industrial Districts

### Commercial Districts:

The zoning ordinance in effect contains several commercial districts with indiscernible differences. These commercial districts are C-1 (Neighborhood Commercial), C-2 (General Commercial), R-C-P, (Residential-Commercial-Professional), C-S (Commercial Shopping) and C-M (Commercial Light Industrial). The C-1 zoning district permits residential, retail businesses, trade, commercial enterprise or professional and business office use, undertaken for the purpose of rendering neighborhood service. The C-2 zoning district allows all uses permitted in the C-1 zoning district and other non-industrial commercial or business uses. The R-C-P zoning district allows business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices. This district is found along South Fairmont Avenue, and areas around Ham Lane, Pine Street, Vine Street, and Kettleman Lane. C-S zoning district is effectively used for community/regional shopping centers. Finally, the C-M district is a transitional district from the commercial districts to industrial districts. This C-M district is found along Sacramento Street in the Downtown area.

The proposed Development Code consolidates the commercial districts into three districts illustrated on table below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
C-1 (Neighborhood Commercial)		
C-2 (General Commercial)	GC (General Commercial)	Neighborhood/Community
C-M (Commercial Light Industrial)	District.	Commercial
R-C-P, (Residential-Commercial- Professional)	O (Office)	Office
C-S (Commercial Shopping)	CC (Community Commercial) District	General Commercial

The Development Code proposes to merge the C-1, C-2 and C-M zoning districts into a single zoning designation to create GC (General Commercial) District. The C-M zoning district is the City's only transitional district from commercial to industrial. C-M zoning district applies areas abutting Sacramento Street in the Downtown area. Because the C-1 and C-2 zoning districts abut residential properties, and the C-M district is similar to the C-2 district, the uses permitted over the years on these districts are similar in nature. It no longer makes planning sense to maintain separate zoning districts with near identical requirements and zoning regulations.

The R-C-P zoning district is found along Kettleman Lane, Fairmont Avenue and Orange Avenue. This is the area where medical, dental, and other health-care oriented services are located. The Development Code proposes to re-designate the area as an Office use, which would permit medical and general offices. Finally, The CC district applies to the local and regional shopping centers. The Development Code proposes to re-designate the area with the same requirements in effect. The final product is a more user friendly document.

#### Industrial Districts:

Industrial uses vary from commercial uses in that industrial uses typically have increased noise, odor, dust, smoke, truck traffic, and other items that may be objectionable to adjacent uses. Additionally these uses tend to require less parking and have different hours of operation than commercial uses as they are focused on manufacturing products rather than selling to customers. There are two main purposes of the Industrial Zone: to provide an area of town where industrial uses can be clustered and to buffer

these uses from residential and commercial uses so there are no negative affects from the industrial operations.

The Industrial Zones in the City can be found east of State Highway 99 and along the UPPR line (Main Street). Lodi Municipal Code in effect features two classifications: M-1(Light Industrial) and M-2 (Heavy Industrial). M-1 zoning district permits light industrial/manufacturing uses such as food processing, packaging and storage; bottling plants; manufacturing and assembling of jewelry, watches, clocks, precision instruments, appliances; and other similar manufacturing uses. The M-2 zoning district permits all uses permitted in the commercial and M-1 zoning districts. Because of that fact the Code in effect allows uses permitted in the Light Industrial districts in the M-2 zoning district, all types of uses can be found across both zoning districts, including more commercial type uses in this Industrial Zone. For this reason, the 2010 General Plan and the Development Code merged the two industrial zoning districts into a single zoning district as illustrated below.

EXISTING COMMERCIAL ZONES	PROPOSED COMMERCIAL ZONES	RELATIONSHIP TO THE GENERAL PLAN
M-1 (Light Industrial) M-2 (Heavy Industrial)	M (Industrial) District.	Industrial (.6 FAR)
BP (Business Park)	BP (Business Park) District.	Business Park (1.0FAR)

The proposed Development Code creates BP (Business Park) Zoning District. This is consistent with the 2010 General Plan and applies to new growth areas of the General Plan. The General Plan identifies the new growth areas appropriate for planned, visually attractive centers for business that do not generate nuisances (noise, clutter, noxious emissions, etc.). This zone accommodates campus-like environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities and other similar uses that generate high employment possibilities.

### C. Landscape, off-street parking, sign, and other specific land uses items

#### Landscape:

The current Municipal Code contains landscape requirements that are in conflict with State requirements. The California Water Conservation in Landscaping Act of 2006 (AB 1881) requires each city to adopt a Model Water Efficient Landscape Ordinance developed by the California Department of Water Resources (DWR) or the city's own local water efficient landscape ordinance that achieves the same goals or better. The City enforces the State's landscape ordinance, which applies to new constructions and/or rehabilitated landscapes with landscape areas greater than or equal to 1,000 square feet. The requirements for landscape plans include a landscape documentation package which consists of project information, a water efficient landscape worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan, as part of the Design Review application. Prior to issuance of a Certificate of Occupancy, a certificate of completion and scheduling of irrigation and maintenance would be required. The worksheet includes calculation of a Maximum Applied Water Allowance and Estimated Total Water Use. The Estimated Total Water Use must be less than the Maximum Applied Water Allowance. These requirements include designation of hydrozones (areas containing plants with similar water needs) and address in detail soil, plants, water features, mulch, grading, irrigation systems, and irrigation schedules. Exceptions to the ordinance include: a) projects with landscape areas less than 1,000 square feet; b) registered historical sites; c) ecological restoration projects that do not require a permanent irrigation system; d) plant collections, as part of botanical gardens and arboretums open to the public; and e) cemeteries.

In addition to State requirements, staff has added language to address landscape requirements for all residential zoning districts. The existing zoning ordinance is silent whether or not residential front and street side yards should be landscaped and maintained. In stead, the existing ordinance stipulates that

"no person shall install or place asphalt, concrete or other similar material upon more than forty-five percent of any front or street side yard setback." This has lead to un-maintained and dirt front and street side yards. The Development Code addresses this issue by adding a section in the Development Code that regulate this issue.

### **Parking**

A key initiative of the Development Code as it relates to parking standards is to modernize the City's parking requirements. The existing zoning code is restrictive where it needs not be and broad where it needs to be specific. For example, Industrial/warehouse/manufacturing uses are required to provide one space for each seven hundred fifty square feet of building, or two parking spaces for every three employees in the largest shift, whichever is greater. More often than not, parking provided exceeds demand or need. To address these types of issues, the Development Code revises some requirements, provides specific details where needed, and adds new standards where appropriate.

The Development Code does not propose major changes to the number of parking spaces required for new development by land use type. The Development Code proposes to list of the number of parking spaces required by land use category consistent with the new land use categories. Staff has compared the proposed parking requirements with the parking generation rates provided by ITE (Institute of Transportation Engineers). The ITE parking rates provide the industry standard because they are derived by surveying a number of uses based on various characteristics, such as, urban and suburban retail stores, retail parking on weekdays, Saturdays, Sundays, and the same in December. Overall the proposed standards are the same or very similar to the ITE rates.

### Sign:

The Development Code does not propose major changes to the existing sign requirements. In its current form, the Sign Ordinance has been working well for the City and business community. However, it needs significant update to address the following issues:

Master sign program for large shopping centers: The existing Sign Ordinance does not speak to sign programs. In the past, the City has approved sign programs though the SPARC and Planning Commission review process. The most recent example of such a sign program relates to the Reynolds Ranch development. The proposed Development Code provides clear language and direction for sign programs. For example, a new nonresidential project with four or more tenants, or a major rehabilitation work on an existing nonresidential project with four or more tenants that involves exterior remodeling, would require a sign program.

**Programmable electric signs:** Electronic reader boards are currently allowed by the Zoning Ordinance under Section 17.63.080, which reads "Flashing, moving or animated signs are subject to the issuance of a use permit, and no such permit shall be issued if the sign will tend to cause a traffic hazard." Within this section, the City has allowed electronic signs in commercial properties. Staff continuously receives inquiries for electronic signs from churches, health-care related institutions and alike. Staff proposes minimum standards to safeguard life, health, property and public welfare, and to preserve the unique character of the town by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of electronic signs.

**Definition of allowable and prohibited signs:** The existing Sign Ordinance does not provide definitions of allowed and prohibited signs. The proposed Development Code identifies 13 different sign types which have been determined to be inconsistent with the purposes and standards of the Sign Chapter.

**Maintenance requirements:** The proposed Development Code contains language within the sign ordinance (Section 17.36.100) for nonconforming or abandoned Signs. The language has been added in an effort to create a clearer framework for nonconforming and abandoned signs. This section emphasizes the importance of achieving the eventual elimination of nonconforming signs within the City.

The previous development standard provided a conformance deadline but provided a number of different ways to maintain a sign's nonconforming status. The proposed Development Code clarifies the allowed continued uses of nonconforming signs and to minimize the occasions whereby they remain over the long-term. A significant portion of the proposed development standards are carried over from the previous standards; however, they are presented in a text format, rather than in a table and the mechanisms to preserve a nonconforming sign have been limited.

### Standards for Specific Land Uses:

This section provides site planning and development standards for various land uses that are allowed in individual or multiple zoning districts, and for activities that require special standards to mitigate potential impacts. The regulations contained involve:

- Child Day Care Facilities
- \* Residential Density Bonus
- \* Outdoor Storage
- Recycling Facilities
- \* Telecommunications Facilities

- Home Occupations
- \* Recycling Facilities
- \* Recreational Vehicle Parks
- \* Mobile Home Parks
- \* Recreational Vehicle Parks

A focal point of this code is the introduction of residential density bonus program. State law (Government Code 6591 5) requires every city and county in California to offer density bonuses to senior housing projects and developments meeting certain affordability criteria. The State has established a "sliding scale" which awards density bonuses based on the percentage of units in a proposed development that are affordable, and the income group served. For example, a new apartment building in which 10 percent of the units are "set aside" for low income households (e.g., rented at rates deemed affordable to low income households) would be eligible for a 20 percent density bonus. If that same project set aside 20 percent of the units for low income households, the density bonus would increase to 35 percent. Under State law, cities must offer density bonuses up to at least 35 percent.

In addition, the State Density Bonus law also requires that other incentives be offered in tandem with the added density. For example, projects may be eligible for reduced setbacks, added height, expedited permitting, and similar concessions which make the project more feasible. The number of incentives depends on the depth of affordability and the number of affordable units to be built. State law also includes provisions for density bonuses if a housing development includes an onsite child care facility.

The City does not currently have an inclusionary housing requirement or housing density bonus program. The proposed Residential Density Bonus program responds to a State mandate to allow more density than would ordinarily be allowable for certain types of housing (e.g., senior housing and affordable housing). It includes requirements for Affordable Housing Agreements which specify the terms of occupancy, limits on resale (for for-sale units), the number of years during which the unit must remain affordable, and the eligibility requirements. The purpose of adopting such a program is twofold; first, it the City hopes to encourage affordable housing by providing the incentive of increased density and such other Incentives and, second, to comply with state requirements for allowing incentives for creating affordable and senior housing projects.

The other part of this section of the Code relates to large residential and day care facilities, which are largely governed by State laws with limited local control. The State has found that it has the responsibility to ensure the health and safety of children in family homes that provide day care. It has also found that there is a shortage of regulated family day care homes in California and, with the increase in working parents, a growing need for such facilities. Local jurisdictions are required by State law (Health and Safety Code section 1597.46) to grant use permits for large family day care homes "if the large family childcare home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements." The Development Code established local control via Use Permit to ensure site suitability and distance from other similar establishments. The remaining topics raised within this Chapter mirror the existing Municipal Code.

### **ENVIRONMENTAL ASSESSMENTS**

In accordance with provisions of the CEQA Guidelines, a Negative Declaration (ND) was prepared for adoption of the proposed Development Code. The Negative Declaration tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the ND and the 2010 General Plan FEIR constitute the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The ND is included as Attachment 3. The ND was made available for public review from Wednesday, September 19, 2012 to Monday, October 8, 2012. A notice of availability was published in the newspaper, posted on the City's web page, posted at the library and City Hall. A copy of the ND was made available on the City's web page, at the public counter and at the public library. Since the comment period ends after the distribution of the staff report, staff will provide the Planning Commission with a list of any comments received as well as responses to those comments at the public hearing.

### PLANNING COMMISSION ACTIONS:

After the Commission completes its review of the proposed Draft Development Code, staff recommends that attached draft resolution be adopted recommending that the City Council approve the Draft Development Code, Draft Zoning Map and Negative Declaration. Any additional changes requested by the Commission would be included in the motion to approve the resolution.

### **PUBLIC HEARING NOTICE:**

### **ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket Associate Planner Konradt Bartlam
Community Development Director

### **ATTACHMENTS:**

- 1. Draft Land Use and Development Code
- 2. Draft Zoning Map
- 3. Negative Declaration
- 4. Draft Planning Commission Resolution

### PLANNING COMMISSION RESOLUTION NO. 12-22

- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE APPROVING THE LAND USE AND DEVELOPMENT CODE, ZONING MAP AND TO CERTIFY THE NEGATIVE DECLARATION
- WHEREAS, California Government Code section 65300 mandates that cities shall adopt a comprehensive, long-term general plan for the physical development of the City, and of any land outside its boundaries which in the City's judgment bears a relation to its planning; and
- WHEREAS, on January 20, 2009, the City Council of the City of Lodi adopted a 2010 General Plan which contains an Implementation Program discussing the need to update the Zoning Ordinance to reflect the 2010 General Plan; and
- WHEREAS, the City Council initiated the comprehensive update to the City's Development Code September 7, 2011 and entered into a Professional Services Agreement with Raney Planning and Management, Inc., (Consultant) of Sacramento to facilitate a comprehensive updating of the current Zoning Ordinance, pursuant to Resolution No. 2011-188; and
- WHEREAS, City Staff and the Consultant have been working diligently since that time to complete the update of the General Plan; and
- WHEREAS, the City of Lodi has prepared a draft Development Code, which was released for public review on July 11, 2012; and
- WHEREAS, City staff presented the draft Development Code to the Commission on three different public hearing occasions (July 11, August 8, and September 12, 2012) to review the Draft Land Use and Development Code and accept public comments and input; and
- WHEREAS, the General Plan Update effort has involved an extensive public participation, including stakeholder meetings, preparation and circulation of the draft document, numerous meetings with individual parties and groups, a project web-site, and three duly noticed public hearings where members of the public made comments and provided directions; and
- WHEREAS, the Land Use and Development Code Update reflects the input of residents, stakeholders, and public officials, and implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and
- WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration was prepared that tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the Negative Declaration and the 2010 General Plan FEIR constitutes the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The City Council has considered the Negative Declaration prepared for the Land Use and Development Code Update; and

The Negative Declaration was available for public review from Wednesday, September 19, 2012 to Monday, October 8, 2012. A notice of availability was published in the newspaper, posted on the City's web page, and mailed to public agencies. A copy of the Negative Declaration was made available on the City's web page, at the public counter and at the public library.

this Planning Commission has reviewed the proposed policy changes set forth in the WHEREAS. draft Development Code; and

on Wednesday, October 10, 2012 this Planning Commission held a duly and properly WHEREAS. noticed public hearing on the proposed Development Code; and

WHEREAS. this Planning Commission had considered the report prepared by Staff, all public comments, the policies set forth in the proposed Development Code, reviewed the proposed Negative Declaration.

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi hereby incorporates the staff report and attachments, project file, testimony presented at the time of the hearing, and written comments, on this matter, and make the following findings:

- 1. The proposed Development Code is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements of the General Plan.
- 2. The proposed Development Code will not be detrimental to the public convenience, health, safety, or general welfare of the City.
- 3. The proposed Development Code is internally consistent with other applicable provisions of the policies.
- 4. The Planning Commission hereby finds that adopting the Development Code will enhance the economic opportunities and be consistent with the 2010 General Plan.

### NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- 1. The foregoing recitals are true and correct and incorporated herein by reference.
- Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt a Resolution approving a Development Code, amend the Zoning Map and Certify the Negative Declaration as an adequate environmental documentation.
- This Planning Commission recommends that the City Council adopt the proposed 3. Development Code and Zoning Map, attached to this Resolution as Exhibit A.

Dated: October 10, 2012

I hereby certify that Resolution No. 12-22 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, October 10, 2012, by the following vote:

AYES: Commissioners: Cummins, Heinitz, Kiser, Jones, Olson and Chair Kirsten.

NOES: Commissioners: None

**ABSENT:** Commissioners:

Hennecke

ATTEST

Secretary, Planning Commission

Attachment: Exhibit A

### LODI PLANNING COMMISSION REGULAR COMMISSION MEETING CARNEGIE FORUM, 305 WEST PINE STREET WEDNESDAY, OCTOBER 10, 2012

### 1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 10, 2012, was called to order by Chair Kirsten at 7:00 p.m.

Present: Planning Commissioners - Cummins, Heinitz, Jones, Kiser, Olson and Chair Kirsten

Absent: Planning Commissioners - Hennecke

Also Present: Community Development Director Konradt Bartlam, Associate Planner Immanuel

Bereket, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari

Chadwick

### 2. MINUTES

"September 12, 2012"

### MOTION / VOTE:

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

### 3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. (Applicant: Teresa Ju; File Number: 12-U-15)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of project.

### Hearing Opened to the Public

- Teresa Ju, applicant, came forward to answer any questions.
- Commissioner Heinitz asked if everything was going to be the same on the menu. Ms. Ju stated that the menu will remain the same.

### Public Portion of Hearing Closed

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners - Cummins, Heinitz, Jones, Kiser, Olson and Chair Kirsten

Noes: Commissioners - None Absent: Commissioners - Hennecke

Chair Kirsten recused himself from item 3b) because he has property interest with in 300 feet of the proposed project. Vice Chair Jones moved to the Chair's seat.

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Jones called for the public hearing to consider

the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A (applicant: Scott Porter; File Number: 12-U-16)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

### Hearing Opened to the Public

- · Scott Porter, applicant, came forward to answer questions.
- Commissioner Kiser asked if this was his first time running a business. Mr. Porter stated that it will be his first business venture.
- Commissioner Heinitz asked Mr. Porter if he was aware that he would have to do ABC training. Mr. Porter stated that he was aware. Heinitz asked the age of the future employees. Mr. Porter stated the age will be 21 years and older if that is what is required by ABC.

### Public Portion of Hearing Closed

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Olson second, approved the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:

Commissioners -

Cummins, Heinitz, Kiser, Olson and Vice Chair Jones

Noes: Absent: Commissioners -

Commissioners -

Hennecke and Chair Kirsten

### Chair Kirsten rejoined the Commission.

c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission to Recommend to the City Council for approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration

None

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and requests the Planning Commission make the recommendation to the City Council for approval.

Commissioner Heinitz asked who is going to monitor the rules and regulations under the new design guidelines for residential. Director Bartlam stated that the guidelines are suggestive unlike standards that are required. Heinitz asked about the agricultural buffer along the west side of Lodi. Bartlam stated that the zoning map does not show that, the Planned Development map for that area shows those particulars.

Chair Kirsten asked about the North West area of town getting a cell tower in a residential neighborhood. Director Bartlam stated that the code does not allow for cell towers in the residential designations, but there are several properties that could accommodate a tower in the subject area.

### Hearing Opened to the Public

None

### Public Portion of Hearing Closed

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:

Commissioners -

Cummins, Heinitz, Jones, Kiser, Olson and Chair Kirsten

Noes:

Commissioners -

None

Absent: Co

Commissioners - Hennecke

### 4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

### 5. ANNOUNCEMENTS AND CORRESPONDENCE

None

### ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions. Mr. Bartlam added that at the Council meeting last week, October 3, 2012, the Council Voted to give Mr. Giannoni nine Growth Management Allocations rather than the twelve he was asking for.

### DEVELOPMENT CODE UPDATE

None

### 8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

### 9. <u>ART IN PUBLIC PLACES</u>

None

### 10. COMMENTS BY THE PUBLIC

None

### 11. COMMENTS BY STAFF AND COMMISSIONERS

None

### ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:27 p.m.

ATTEST:

Konradt Bartlam

Planning Commission Secretary

### RESOLUTION NO. 2013-

### A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE FINAL NEGATIVE DECLARATION AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE LODI LAND USE DEVELOPMENT CODE AND ZONING MAP

\_\_\_\_\_\_

WHEREAS, the Land Use and Development Code Update reflects the input of residents, stakeholders, and public officials, and implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration was prepared that tiers off of the 2010 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in April 2010. Together, the Negative Declaration and the 2010 General Plan FEIR constitutes the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The City Council has considered the Negative Declaration prepared for the Land Use and Development Code Update; and

WHEREAS, the City Council finds that the foregoing recitals and findings are true and correct, and adopts this Resolution based on the entirety of the record, which includes without limitation, Final EIR, the Land Use and Development Code Update Negative Declaration; zoning map; all reports, testimony, and transcripts from Planning Commission's October 10, 2012 meeting; and reports, testimony, and transcripts from the City Council's February 6, 2013 meeting; and

WHEREAS, the City Council has considered the staff report, all public comments, the proposed Negative Declaration, as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi that the foregoing recitals are true and correct and incorporated herein by reference:

BE IT FURTHER RESOLVED that the Lodi City Council does hereby certify the Final Negative Declaration as adequate environmental documentation for the Lodi Land Use Development Code and Zoning Map.

 Dated:	i editially 0, 2			

I hereby certify that Resolution No. 2013-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 6, 2013, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL City Clerk

ORDINANCE NO.	
---------------	--

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI REPEALING LODI MUNICIPAL CODE TITLE 16 – "SUBDIVISIONS" IN ITS ENTIRETY; AND FURTHER REPEALING AND RE-ENACTING LODI MUNICIPAL CODE TITLE 17 – "ZONING" IN ITS ENTIRETY

\_\_\_\_\_\_

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

<u>SECTION 1.</u> Lodi Municipal Code Title 16 – Subdivisions – is hereby repealed in its entirety.

<u>SECTION 2.</u> Lodi Municipal Code Title 17 – Zoning – is hereby repealed and reenacted in its entirety and shall read as follows:

### SEE EXHIBIT A ATTACHED.

<u>SECTION 3.</u> All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

<u>SECTION 4.</u> No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

<u>SECTION 5.</u> Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

<u>SECTION 6.</u> This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

	Approved this day of,	2013
	ALAN NAKANISHI Mayor	
Attest:	Mayor	
RANDI JOHL City Clerk		
City Clerk	.======================================	==

State of California County of San Joaquin, ss.

No Februa	was introdu ry 6, 2013, and	City Clerk of the City of Lodi, do hereby certify that Ordinance ced at a regular meeting of the City Council of the City of Lodi held d was thereafter passed, adopted, and ordered to print at a regular cil held, 2013, by the following vote:
	AYES:	COUNCIL MEMBERS –
	NOES;	COUNCIL MEMBERS –
	ABSENT:	COUNCIL MEMBERS -
	ABSTAIN:	COUNCIL MEMBERS –
		y that Ordinance No was approved and signed by the Mayor sage and the same has been published pursuant to law.
		RANDI JOHL City Clerk
Approv	ed as to Form:	
D. STE City Att	PHEN SCHW/	ABAUER

# City of Lodi

# **Development Code**

September 2012

City of Lodi Community Development Department 221 West Pine Street Lodi, California 95241



# Please immediately confirm receipt of this fax by calling 333-6702

CITY OF LODI P. O. BOX 3006 LODI, CALIFORNIA 95241-1910

## ADVERTISING INSTRUCTIONS

SUBJECT:

PUBLIC HEARING TO CONSIDER CERTIFICATION OF THE FINAL

NEGATIVE DECLARATION AND ADOPTION OF THE LODI LAND USE

**DEVELOPMENT CODE AND DRAFT ZONING MAP** 

**PUBLISH DATE:** 

SATURDAY, DECEMBER 29, 2012

# **LEGAL AD**

**TEAR SHEETS WANTED:** 

One (1) please

**SEND AFFIDAVIT AND BILL TO:** 

RANDI JOHL, CITY CLERK

LNS ACCT. #0510052

City of Lodi P.O. Box 3006

Lodi, CA 95241-1910

DATED:

WEDNESDAY, DECEMBER 26, 2012

**ORDERED BY:** 

RANDI JOHL CITY CLERK

•···

JEWNIFER MI ROBISON, CMC

CMC MARIA BECERRA

ASSISTANT CITY CLERK ADMINISTRATIVE CLERK

# Verify Appearance of this Legal in the Newspaper – Copy to File

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# **DECLARATION OF POSTING**

# PUBLIC HEARING TO CONSIDER CERTIFICATION OF THE FINAL NEGATIVE DECLARATION AND ADOPTION OF THE LODI LAND USE DEVELOPMENT CODE AND DRAFT ZONING MAP

On Thursday, December 27, 2012, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider certification of the Final Negative Declaration and adoption of the Lodi Land Use Development Code and Draft Zoning Map (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library Lodi City Clerk's Office Lodi City Hall Lobby Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 27, 2012, at Lodi, California.

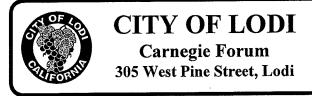
**ORDERED BY:** 

RANDI JOHL CITY CLERK

JENNIFER M. ROBISON, CMC

ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



NOTICE OF PUBLIC HEARING

Date: February 6, 2013

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl City Clerk

Telephone: (209) 333-6702



## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, February 6, 2013**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

a) Certification of the Final Negative Declaration and adoption of the Lodi Land Use Development Code and Draft Zoning Map.

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl City Clerk

Dated: December 19, 2012

Approved as to form:

D. Stephen Schwabauer City Attorney

# e-Notification sent by Kaii Chadwick

**Distribution List Name:** 

**Development Code** 

### Members:

Angelic and John Henninger Anne Cerney Barbara Kauss **Brad Hays Brett Jolley** Carol Orneles Clint Zufelt Crystal Krist Dale Gillespie

**EJC** Frederick Addison George Cloud George Gibson Greg Costa Greg Costa Hilda Bohacek Jeff Traverso John Beckman John Shores Jon Schrader Kate Hart Kattie Patterson Kelly Stump

David Romano

Denis Silber

Kevin Dougherty Mary King Matt Dobbins Michael Caruba Mike Boettger Pat McCuen Richard Jones Rick Gerlack Robina Asghar Rod Attebery Rosemary Atkinson Russ Munson

Steve Jarrett Tariq Din Tim Matteis Tim Mattheis Tim Mustin Tracy Williams Warmerdam

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tkmhome@sbcglobal.net tmustin@colliersparrish.com

tracv@loelcenter.net

warmerdam7@sbcglobal.net



AGENDA TITLE: Appointments to Lodi Animal Advisory Commission and Senior Citizens

Commission

**MEETING DATE:** February 6, 2013

PREPARED BY: City Clerk

**RECOMMENDED ACTION:** Concur with the appointments to the Lodi Animal Advisory

Commission and Senior Citizens Commission.

**BACKGROUND INFORMATION**: On October 17, 2012, the City Council directed the City Clerk to

post for various expiring terms. The Mayor reviewed the

applications, conducted interviews, and recommends that the City

Council concur with the following appointments.

### **Lodi Animal Advisory Commission**

Hayim "Hy" Cohen Term to expire December 31, 2015
Phillip Laughlin Term to expire December 31, 2015

NOTE: Four applicants (two seeking reappointment and two applications on file); posting ordered 10/17/12; application deadline 11/19/12

### **Senior Citizens Commission**

Robert Anderson Term to expire December 31, 2016 Mark Sey Term to expire December 31, 2016

NOTE: Seven applicants (one seeking reappointment, two new applications, and four applications on file); posting ordered 10/17/12; application deadline 11/19/12

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

FISCAL IMPACT:	None.		
FUNDING AVAILABLE:	Not applicable.		
RJ/JMR		Randi Johl City Clerk	
APP	ROVED:		

AGENDA TITLE: Post for One Expiring Term on the Lodi Improvement Committee and One

Vacancy on Lodi Arts Commission

**MEETING DATE:** February 6, 2013

PREPARED BY: City Clerk

**RECOMMENDED ACTION**: Direct the City Clerk to post for one expiring term on the Lodi

Improvement Committee and one vacancy on Lodi Arts

Commission.

**BACKGROUND INFORMATION**: One term is due to expire on the Lodi Improvement Committee. In

addition, the City Clerk's Office received a letter of resignation (filed)

from Lodi Arts Commissioner, Lina Preszler. Therefore, it is

recommended that the City Council direct the City Clerk to post for the following. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

**Lodi Improvement Committee** 

Sunil L. Yadav Term to expire March 1, 2013

**Lodi Arts Commission** 

Lina Preszler Term to expire July 1, 2014

FISCAL IMPACT: Not applicable.

**FUNDING AVAILABLE**: Not applicable.

Randi Johl

City Clerk

RJ/JMR

APPROVED:	 		

Konradt Bartlam, City Manager

AGENDA TITLE:		Confirm Annual Appointment of City Council Members on Various Boards, Committees and Commissions					
MEETING DATE:	February 6, 2	013					
PREPARED BY:	Randi Johl, C	ity Clerk					
RECOMMENDED AC	CTION:	Confirm annual appointment of City Council Members on various Boards, Committees and Commissions.					
BACKGROUND INFO	ORMATION:	The attached list sets forth the service of City Council Members on various County and regional boards, committees and commissions. The list is confirmed annually after the reorganization of the City					
Council for accuracy.	Staff recomme	ends confirmation of the list as presented.					
FISCAL IMPACT:	Not A	pplicable					
FUNDING AVAILAB	LE: Not A	pplicable					
		Randi Johl City Clerk					

APPROVED: \_\_\_\_\_ Konradt Bartlam, City Manager

CITY OF LODI RISK OVERSIGHT COMMITTEE – (Comprised of Council Member serving as NCPA Alternate Board member, City Manager, Deputy City Manager, City Attorney, and Electric Utility Director, no term limit.) Meetings not less than once per month, or as otherwise called). Contact: Jordan Ayers, Deputy City Manager, (209) 333-6700

**Business** 

**Appointed** 

**Expires** 

Phil Katzakian

333/6702

January 5, 2011

Unspecified

Appointments made by the City Council by motion action.

LEAGUE OF CALIFORNIA CITIES CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE - (Comprised of 1 representative and 1 alternate from each member municipality from which there is no officer; 2 Lodi reps., no term limit.) Meetings as called.

Contact: Stephen Qualls, LCC/CVD Public Affairs Regional Manager, 614-0118

<u>Purpose:</u> Led by the Executive Board, the Committee guides member city activities and efforts to improve fellowship and cooperation among member cities and increase the quality, responsiveness, and vitality of Central Valley local governments.

BusinessAppointedExpiresJoAnne Mounce333-6702March 1, 2006UnspecifiedKonradt Bartlam, City Manager333-6700March 1, 2006Unspecified

(Pursuant to City Council Protocol Manual Section 4.2b, the Mayor and Mayor Pro Tempore shall be the voting delegate and alternate for the National League of Cities and League of California Cities annual business meetings, unless otherwise delegated by the Mayor.)

Appointments made by the City Council by motion action. Council Member to serve as representative, City Manager as Alternate.

GREATER LODI AREA YOUTH COMMISSION - (1 Lodi rep., no term limit.) Meets 2nd Monday of each month at 7:00 p.m., Cottage Room at Hutchins Street Square. Contact: Jennifer Winn, 333-6891

**Business** 

**Appointed** 

**Expires** 

JoAnne Mounce

333-6702

December 14, 2004

Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

GREENBELT 2 X 2 X 2 COMMITTEE - (Comprised of 2 representatives each from City of Stockton / City of Lodi / San Joaquin County; 2 Lodi reps., no term limit.) Meetings as called. *Contact: Community Development Director at 333-6711* 

	<u>Business</u>	<u>Appointed</u>	<b>Expires</b>		
Larry Hansen	333-6702	January 5, 2011	Unspecified		
Bob Johnson	333-6702	January 3, 2007	Unspecified		
Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.					

JOINT CITY/COUNTY CRIMINAL JUSTICE TASK FORCE - (Comprised of representatives from each city in San Joaquin and representatives from the County; no term limit.) Meetings as called. Contact: Stockton City Manager, 937-8294

<u>Business</u>	<u>Appointed</u>	<b>Expires</b>
333-6702		Unspecified
333-6702		Unspecified
333-6700		Unspecified
333-6725		Unspecified
	333-6702 333-6702 333-6700	333-6702 333-6702 333-6700

LOCAL AGENCY FORMATION COMMISSION (LAFCO) - (1 Lodi rep., 4-year term.) Meets 3rd Friday of each month at 10:00 a.m., 1860 E. Hazelton Ave., Stockton. Contact: James Glaser, LAFCO Executive Officer, 468-3198

(Per LAFCO – Voting member appointed 5/2/01 to a 4-year term expiring 5/01/05. For 8 years (from 5/2005 to 5/2013), Lodi will be off rotation. In May 2013, Lodi will begin the cycle anew with a City representative serving a 2-year Alternate term.)

Appointments made by a City Selection Committee comprised of all seated Mayors in San Joaquin County. Council Member required.

boards\post\counsvs.doc Page 1 Revised 1/23/13

LODI 2 X 2 COMMITTEE - (Comprised of 2 representatives each from City of Lodi and Lodi Unified School District; 2 Lodi reps., no term limit.) Meetings as called. Contact: Susan Lake, City Manager's Office, 333-6700

<u>Purpose:</u> To provide an opportunity for open dialogue, exchanging of ideas, and discussion of mutual goals between the City and the District; the committee is comprised of 2 Council members, 2 School Board members, the City Manager, the Superintendent, and staff members as appropriate.

BusinessAppointedExpiresJoAnne Mounce333-6702December 14, 2004UnspecifiedBob Johnson333-6702December 14, 2004Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Two Council Members required.

NORTHEASTERN SAN JOAQUIN COUNTY GROUNDWATER BANKING AUTHORITY - (1 Lodi rep., 4-year term.) Board meets 2<sup>nd</sup>
Wednesday of each month, 9:30 a.m. at the SJ County Public Works Conf. Room A, Stockton.

Contact: Leilani Chua, Water Resources Coordinator, 468-3531

	<u>Business</u>	<u>Appointed</u>	<b>Expires</b>
Phil Katzakian, Delegate	333-6702	January 3, 2007	Unspecified
Alan Nakanishi, Alternate	333-6702	January 5, 2011	Unspecified
Public Works Director, Alternate F. Wally Sandelin	333-6706	April 16, 2008	Unspecified

Coordinating Committee meets 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays. Mr. Sandelin serves as the representative on the committee.

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member not required.

NORTHERN CALIFORNIA POWER AGENCY (NCPA) - (1 Lodi rep., no term limit.) Meets 4th Thursday of each month at 9:30 a.m. at various locations. Contact: Denise Dow, NCPA, (916) 781-4202

	<u>Business</u>	<u>Appointed</u>	<b>Expires</b>
Larry Hansen, Delegate	333-6702	January 2, 2003	Unspecified
Phil Katzakian, Alternate	333-6702	December 1, 2010	Unspecified
Electric Utility Director, EUD Alternate Elizabeth Kirkley	333-6762	June 21, 2010	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required (Delegate only).

SAN JOAQUIN COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY - (1 Lodi rep., no term limit.)

Meeting date/time/location varies. Contact: Jamie Aldred, 333-6823

BusinessAppointedExpiresJoAnne Mounce333-6702December 14, 2004Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG) - (1 Lodi rep., no term limit.) Meets 4th Thursday of each month at 5:00 p.m., 555 East Weber Avenue, Stockton. Contact: Andrew Chesley, SJCOG, 468-3913

BusinessAppointedExpiresLarry Hansen, Delegate333-6702December 14, 2004UnspecifiedAlan Nakanishi, Alternate333-6702January 5, 2011Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNCIL OF GOVERNMENTS' REGIONAL TRANSPORTATION IMPACT FEE POLICY COMMITTEE
(1 Lodi rep., no term limit.) Meetings as called, 555 E. Weber Ave., Stockton.

Contact: Andrew Chesley, SJCOG, 468-3913

BusinessAppointedExpires333-6702October 20, 2004Unspecified

Konradt Bartlam, Ex-Officio Member (as determined by SJCOG Board of Directors)

Larry Hansen, Voting Representative

(as determined by SJCOG Board of Directors)

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT - WATER ADVISORY COMMISSION

333-6700

(1 Lodi rep., 4-year term.) Meets 3rd Wednesday of each month at 1:00 p.m., Public Health Building Conference Room, 1601 Hazelton, Stockton.

Contact: Leilani Chua, Water Resources Coordinator, 468-3531

Unspecified

BusinessAppointedExpiresPhil Katzakian, Delegate333-6702January 3, 2007February 26, 2013F. Wally Sandelin, Alternate333-6706February 2, 2005February 26, 2013

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member preferred, not required.

SAN JOAQUIN COUNTY MOKELUMNE RIVER WATER AND POWER AUTHORITY - (1 Lodi rep., no term limit.)

Meeting date/time/location varies. Contact: Leilani Chua, Water Resources Coordinator, 468-3531

	<u>Business</u>	<u>Appointed</u>	<b>Expires</b>
Bob Johnson, Delegate	333-6702	January 3, 2007	Unspecified
Larry Hansen, Alternate	333-6702	January 2, 2003	Unspecified
Public Works Director, Alternate F. Wally Sandelin	333-6706		Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNTY SOLID WASTE MANAGEMENT TASK FORCE - (1 Lodi rep., no term limit.) Meets 2nd Thursday of each month at 1:30 p.m., 1810 E. Hazelton, Stockton. Contact: Allison Hudson, County Public Works, 468-3066

BusinessAppointedExpiresPhil Katzakian333-6702January 3, 2007UnspecifiedJoAnne Mounce, Alternate333-6702September 5, 2007Unspecified

Membership determined by Board of Supervisors and a majority of cities within the County which contain a majority of the population of the County. Council Member required.

SAN JOAQUIN PARTNERSHIP - (1 Lodi rep., 4-year term.) Meets 4th Thursday of each month at 8:00 a.m., 2800 W. March Lane, Suite 470, Stockton. Contact: Chris Bamesberger-Youngsma, 956-3380

	<u>Business</u>	<u>Appointed</u>	<b>Expires</b>
Bob Johnson, Delegate	333-6702	February 16, 2005	Unspecified
JoAnne Mounce, Alternate	333-6702	January 3, 2007	Unspecified

Alternate has no voting authority in absence of the Delegate. Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN VALLEY SPECIAL CITY SELECTION COMMITTEE - (1 Lodi rep., no term limit.) Meetings as called. Meetings held at Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno, CA (or via teleconference at one of these locations: Central Region Office in Fresno, Northern Region Office in Modesto, and Southern Region Office in Bakersfield). Contact: Seyed Sadredin, Executive Director, San Joaquin Valley APCD, (559) 230-6036

BusinessAppointedExpiresBob Johnson, Delegate333-6702January 7, 2009UnspecifiedPhil Katzakian, Alternate333-6702January 7, 2009Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

TRANSMISSION AGENCY OF NORTHERN CALIFORNIA (TANC) - (1 Lodi rep., no term limit.) Meets 3rd Wednesday after the 1st Monday of every other month starting in January, with additional special meetings as called.

Meetings held at 10:00 a.m. at 3100 Zinfandel Drive, Suite 600, Rancho Cordova (location of firm which officiates over TANC activities). Contact: Barbara Ford, (916) 631-4008

	<u>Business</u>	<u>Appointed</u>	<b>Expires</b>
Electric Utility Director, Delegate Elizabeth Kirkley	333-6762	September 2, 2009	Unspecified
Larry Hansen, Alternate	333-6702	December 14, 2004	Unspecified
Alan Nakanishi, Alternate	333-6702	January 5, 2011	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

Posted pursuant to Section 54972 of the State of California Government Code. Questions regarding this posting should be directed to the City Clerk's Office at (209) 333-6702.

Dated: January 23, 2013

Randi Johl City Clerk

Distribution (20):

B&C File City Attorney City Clerk (4) Electric Utility Director Library (per State Statute)

Posting (5)

City Council (5)

Public Works Director

**AGENDA TITLE:** Receive Biennial Report Regarding AB1234 Mandatory Ethics Training **MEETING DATE:** February 6, 2013 PREPARED BY: Randi Johl, City Clerk **RECOMMENDED ACTION:** Receive biennial report regarding AB1234 mandatory ethics training. **BACKGROUND INFORMATION:** As you are aware, AB 1234 (now codified in Government Code Section 53234 et seg.), went into effect on January 1, 2006. AB 1234 mandates that local agency legislative bodies receive ethics training every two years. In addition to the legislative body, the training is also mandatory for specific boards, committees and commissions as well as certain employees designated in the Conflict of Interest Code. The deadline for completing said training is December 31st of every even numbered year. The training is offered in-person at Carnegie Forum through the City Attorney's office in December and online through the Fair Political Practices Commission website year-round. For the City of Lodi, AB 1234 ethics training is mandatory for the City Council, Planning Commission, Recreation Commission and Library Board of Trustees. It is also mandatory for Council appointees and liaisons to the boards, committees and commissions. While not mandatory for other boards, committees and commissions and designated employees, the training is strongly encouraged for all. We are happy to report that in 2012, we achieved 99% compliance by the December 31st deadline with all members of the City Council, Planning Commission, and Library Board of Trustees in full compliance. As of the date of this report, one member of the Recreation Commission remains out of compliance. The AB 1234 Training Log, which is a requirement of the law, is attached for your reference. This report is provided for informational purposes only. FISCAL IMPACT: Not Applicable **FUNDING AVAILABLE:** Not Applicable Randi Johl City Clerk

APPROVED: \_\_\_\_\_ Konradt Bartlam, City Manager

## AB 1234 TRAINING LOG - MANDATORY (2012)

(Due Date: December 31, 2012) (Valid January 1, 2013 to December 31, 2014)

Name	Date Appointed	Date Trained	Trainer	Complete
City Council (Mandatory)				
JoAnne Mounce	December 2012	12/6/12	FPPC/ILG	Х
Larry Hansen	December 2010	12/10/12	City	Х
Phil Katzakian	December 2010	12/10/12	City	Х
Alan Nakanishi	December 2010	10/21/12	FPPC/ILG	Х
Bob Johnson	December 2012	12/10/12	City	Х
Planning Commission (Mandatory)				
Bill Cummins	June 2009	12/10/12	City	Х
Dave Kirsten	July 2011	12/13/12	FPPC/ILG	Х
Wendel Kiser	August 2012	12/10/12	City	Х
Debbie Olson	November 2009	10/15/12	FPPC/ILG	Х
Nick Jones	August 2010	12/10/12	City	Х
Steven Hennecke	July 2011	9/26/12	FPPC/ILG	Х
Randall Heinitz	August 2012	12/13/12	FPPC/ILG	Х
Recreation Commission (Mandatory)				
David Akin (Term Exp. 12/31/12)	March 2008	12/31/12	FPPC/ILG	Х
Larry Long (Term Exp. 12/31/12)	February 2008	12/10/12	City	Х
Rick Morgan	January 2011	12/10/12	FPPC/ILG	Х
Jeffrey Palmquist	January 2011	12/18/12	FPPC/ILG	Х
Barbara Wardrobe-Fox	January 2011			
Library Board of Trustees (Mandatory)				
Frankie Kooger	August 2012	12/10/12	City	X
Caitlin Casey	August 2012	12/10/12	City	Х
Terry Costa	April 2011	12/10/12	City	Х
Stephen Mackey (Position Vacated)	July 2011	N/A	N/A	N/A
Scott Martin	June 2010	12/10/12	City	Х

<sup>\*</sup> Training is strongly encouraged, but optional, for Greenbelt Task Force, Lodi Improvement Committee, SPARC, Grape Bowl Committee, Youth Commission, Animal Commission, Arts Commission, Budget & Finance Committee, and Senior Commission. City reimbursements and/or stipends are prohibited for members of any board, committee, and/or commission that have not received the training.



**AGENDA TITLE:** 

Introduce Ordinance Amending Lodi Municipal Code Chapter 13.08 – Water Service – By Repealing and Re-Enacting Section 13.08.130 – Oversized Mains; Amending Chapter 13.12 – Sewer Service – By Repealing and Re-Enacting Section 13.12.180 – Domestic System Service Charges; Adding Section 13.12.181 – Domestic Sewer Service Charges (Metered Accounts); and Repealing and Re-Enacting Section 13.12.190 – Domestic System Capacity or Impact Fees; Repealing and Re-Enacting Section 13.12.370 – Reimbursement – Oversize Mains; Repealing and Re-Enacting Chapter 15.64 – Development Impact Mitigation Fees in its Entirety; Amending Chapter 16.24 – By Repealing and Re-Enacting Section 16.24.040 – Streets; and Further Amending Chapter 16.40 – Reimbursements for Construction – By Repealing and Re-Enacting Sections 16.40.010 – Findings and Purpose, and 16.40.020 – Improvements to be Reimbursed

**MEETING DATE:** February 6, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION:

Introduce ordinance amending Lodi Municipal Code Chapter 13.08 – Water Service – by repealing and re-enacting Section 13.08.130 – Oversized Mains; amending Chapter 13.12 – Sewer Service – by

repealing and re-enacting Section 13.12.180 – Domestic System Service Charges; adding Section 13.12.181 – Domestic Sewer Service Charges (Metered Accounts); and repealing and re-enacting Section 13.12.190 – Domestic System Capacity or Impact Fees; repealing and re-enacting Section 13.12.370 – Reimbursement – Oversize Mains; repealing and re-enacting Chapter 15.64 – Development Impact Mitigation Fees in its entirety; amending Chapter 16.24 – by repealing and re-enacting Section 16.24.040 – Streets; and further amending Chapter 16.40 – Reimbursements for Construction – by repealing and re-enacting Sections 16.40.010 – Findings and Purpose, and 16.40.020 – Improvements to be Reimbursed

**BACKGROUND INFORMATION:** 

In 1991, City Council approved the Impact Mitigation Fee Program (IMFP) that established impact fees in the categories of water, wastewater, storm drainage, streets, police, fire, parks, and general

City facilities. An electric utility impact fee was established in 2007. Over the past 20 years, there have been few major changes to the program, though minor updates were performed. Generally, the program has been effective in delivering projects to serve the demand for facilities presented by new development.

The new General Plan for the City was adopted on April 7, 2010. The Impact Mitigation Fee Program (IMFP), based upon the new General Plan, was adopted on August 15, 2012, along with a schedule of impact fees effective through December 31, 2019. The IMFP included a number of changes from the 1991 fee program that require amendments to the Lodi Municipal Code (LMC). The changes are incorporated into the LMC sections attached as Exhibit A. The changes are described below.

APPROVED:		

Introduce Ordinance Amending Lodi Municipal Code Chapter 13.08 – Water Service – By Repealing and Re-Enacting Section 13.08.130 – Oversized Mains; Amending Chapter 13.12 – Sewer Service – By Repealing and Re-Enacting Section 13.12.180 – Domestic System Service Charges; Adding Section 13.12.181 – Domestic Sewer Service Charges (Metered Accounts); and Repealing and Re-Enacting Section 13.12.190 – Domestic System Capacity or Impact Fees; Repealing and Re-Enacting Section 13.12.370 – Reimbursement – Oversize Mains; Repealing and Re-Enacting Chapter 15.64 – Development Impact Mitigation Fees in its Entirety; Amending Chapter 16.24 – By Repealing and Re-Enacting Section 16.24.040 – Streets; and Further Amending Chapter 16.40 – Reimbursements for Construction – By Repealing and Re-Enacting Sections 16.40.010 – Findings and Purpose, and 16.40.020 – Improvements to be Reimbursed February 6, 2013 Page 2

- 1. There will no longer be a reimbursement by IMFP for oversized pipe. The builder may apply for a reimbursement agreement binding other benefitting properties to future reimbursement.
- 2. Water and wastewater treatment capacity charges are based upon the size of the water meter needed to serve the property. Wastewater capacity charges for high-strength users shall be determined based upon flow, biochemical oxygen demand, and suspended solids.
- 3. The minimum sewage service unit assigned to un-metered commercial and industrial customers is 0.67 units.
- 4. The electric impact fee applies to all development within the City limits and is based upon the size of the panel serving the project.
- 5. New development is responsible for constructing one-half of the fronting road improvements.
- 6. Residential IMFP fees are based upon dwelling unit equivalents (DUE). One DUE equals the demand for service represented by a single-family low-density residential unit.
- 7. Nonresidential IMF fees are based upon building square feet, except for storm drainage that is based upon the gross acreage of the project.
- 8. A new Art in Public Places fee is established.
- 9. Impact fees are set without indexing adjustments until December 31, 2019, after which time the cumulative indexing adjustment will be applied or new fees adopted.
- 10. Impact fees are collected at occupancy of the building.

FISCAL IMPACT:	Not applicable.
FUNDING AVAILABLE:	Not applicable.
	F. Wally Sandelin Public Works Director

FWS/CRB/pmf Attachment

ORDINANCE NO.	
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AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE CHAPTER 13.08 - WATER SERVICE - BY REPEALING AND RE-ENACTING SECTION 13.08.130 - OVERSIZED MAINS; AMENDING CHAPTER 13.12 - SEWER SERVICE - BY REPEALING AND RE-ENACTING SECTION 13.12.180 - DOMESTIC SYSTEM SERVICE CHARGES: ADDING SECTION 13.12.181 – DOMESTIC SEWER SERVICE CHARGES (METERED ACCOUNTS); AND REPEALING AND RE-ENACTING SECTION 13.12.190 DOMESTIC SYSTEM CAPACITY OR IMPACT FEES; REPEALING AND RE-ENACTING SECTION 13.12.370 - REIMBURSEMENT - OVERSIZE MAINS; REPEALING AND RE-ENACTING CHAPTER 15.64 - DEVELOPMENT IMPACT MITIGATION FEES IN ITS ENTIRETY; AMENDING CHAPTER 16.24 BY REPEALING AND RE-ENACTING SECTION 16.24.040 - STREETS; AND FURTHER AMENDING CHAPTER 16.40 - REIMBURSEMENTS FOR CONSTRUCTION - BY REPEALING AND RE-ENACTING SECTIONS 16.40.010 - FINDINGS AND PURPOSE. AND 16.40.020 - IMPROVEMENTS TO BE REIMBURSED

\_\_\_\_\_\_

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

<u>SECTION 1.</u> Lodi Municipal Code Chapter 13.08 – Water Service – is hereby amended by repealing and reenacting Section 13.08.130 – Oversized Mains in its entirety and shall read as follows:

13.08.130 - Oversized Mains.

Whenever the city requires that a water main larger than eight inches in diameter be installed in order to serve additional property or to conform to the water master plan, the applicant may apply for reimbursement from the benefiting properties that are served by the oversized pipe. A reimbursement application for the difference in cost between the actual water main to be constructed and an eight-inch diameter water main may be obtained through the city. The reimbursement shall be made in accordance with Chapter 16.40 of this code.

<u>SECTION 2.</u> Lodi Municipal Code Chapter 13.12 – Sewer Service – is hereby amended by repealing and reenacting Section 13.12.180 – Domestic System Service Charges in its entirety and shall read as follows:

13.12.180 - Domestic Sewer Service Charges (Un-Metered Accounts).

- A. Basis. Charges for use of the domestic system shall be determined by the volume, BOD, and SS of wastes discharged. In addition, charges for preparation and maintaining the sewer master plan, expansion of the public works administration building, and expansion of the public works storage facilities are allocated based upon volume, BOD, and SS.
- B. Applicability. Those residential, commercial and industrial users whose discharge of wastes classify them as a moderate-strength user and those dischargers of industrial and commercial wastes that classify them as high-strength users shall pay charges as determined in this section. Determination of the category for each specific user shall be made by the public works director.

- C. Moderate-Strength Users. All moderate-strength un-metered users shall be assigned sewage service units. The minimum sewage service units assigned to any commercial and industrial user shall be 0.67 unit. Service charges for moderate-strength users shall be determined by multiplying the cost of one sewage service unit by the number of sewage service units assigned to each user.
- 1. Residential user sewage service units shall be based upon the number of bedrooms per dwelling unit as follows:

Number of Bedrooms	Sewage Service Units
1.	0.75
2.	1.00
3.	1.25
4.	1.50
5.	1.75
6.	2.00
7.	2.25

2. Commercial and industrial user sewage service charges shall be based on the number of sewage service units assigned to each user. The unit of measure for determining the number of sewage service units assigned to each user are as follows:

User Descriptions	Unit of Measure
1. Meeting place, religious	Each 200 seats
2. Meeting place, public	Each 100 seats
3. Hotel, motel without kitchenettes	Each 3 beds
4. Hotel, motel with kitchenettes	Each unit
5. Veterinary clinic	Each 4 employees
6. Post office	Each 15 employees
7. Funeral parlor	Each 3 employees
8. Service station with service garages	Each 2.5 pumps
9. Service station without service garages	Each 7 pumps
10. Car wash, automatic bay	20 SSU's per bay
11. Car wash, self serve bays	2 SSU's per bay
12. School, 8th grade and below	Each 20 students
13. High school	Each 15 students
14. Eating place, seating only	Each 10 seats
15. Eating place, seating and take-out	Each 7 seats
16. Eating place, "pizza parlor"	Each 35 seats
17. Eating place, take-out only	Each 5 employees
18. Lunch truck business	Each 5 employees

Each 1.5 machines
Each machine
Each 3 employees
Each 5 employees
Each 8 employees
Each 4 employees
Each 20 seats
Each 3 workstations
Each 3 beds
Each 3 beds
Each 1.33 pads
Each station
Each 25 fixture units

One sewage service unit shall be assigned to each unit of measure. Fees shall be based on a minimum of 0.67 sewage service unit and tenths of one sewage service units thereafter. At the discretion of the public works director, a commercial user's service charges and/or capacity fees may be based on actual sewer discharge flows estimated by use of a water meter or other appropriate means.

### D. High-Strength Users.

- 1. All high-strength user sewage service charges shall be determined based upon the actual quantity of flow, BOD, and SS discharged annually.
- 2. The sewage service charge shall be determined by multiplying the quantity of discharged flow, BOD, and SS by the cost for each characteristic.
- E. Significant Users. All significant users shall be assessed two additional sewage service units in service charges to cover the city's costs of meeting Federal Pretreatment Program requirements.

# <u>SECTION 3.</u> Lodi Municipal Code Chapter 13.12 – Sewer Service – is hereby amended by adding Section 13.12.181 – Domestic Sewer Service Charges (Metered Accounts) as follows:

- 13.12.181 Domestic Sewer Service Charges (Metered Accounts).
- A. Basis. Charges for use of the domestic system shall be determined by the volume, BOD, and SS of wastes discharged. In addition, charges for preparation and maintaining the sewer master plan, expansion of the public works administration building, and expansion of the public works storage facilities are allocated based upon volume, BOD, and SS.
- B. Applicability. Those residential, commercial and industrial users whose discharge of wastes classify them as a moderate-strength user and those dischargers of industrial and commercial wastes that classify them as high-strength users shall pay charges as determined in

this section. Determination of the category for each specific user shall be made by the public works director.

- C. Moderate-Strength Users. All moderate-strength users shall be billed based upon their average winter water usage to approximate their sewer usage. The monthly sewer bill during the entire year will be based on the average amount of water consumed during the immediately preceding rainy season months of December, January and February. As meters are installed in existing buildings, monthly sewer fees will be converted from the SSU based fees to the average winter usage rate methodology.
- D. High-Strength Users.
- 1. All high-strength user sewage service charges shall be determined based upon the actual quantity of flow, BOD, and SS discharged annually.
- 2. The sewage service charge shall be determined by multiplying the quantity of discharged flow, BOD, and SS by the cost for each characteristic.

<u>SECTION 4.</u> Lodi Municipal Code Chapter 13.12 – Sewer Service – is hereby amended by repealing and reenacting Section 13.12.190 – Domestic System Capacity or Impact Fees in its entirety and shall read as follows:

13.12.190 - Domestic Sewer System Capacity or Impact Fees.

The capacity fee shall cover the capital cost associated with the POTW capacity and the planning, financing, acquisition, and development of other services and facilities directly related to the utilization of capacity by the discharger. Any actual costs incurred by the city in making the physical connection (tap) shall be separate and in addition to the capacity fee described in this section.

<u>SECTION 5.</u> Lodi Municipal Code Chapter 13.12 – Sewer Service – is hereby amended by repealing and reenacting Section 13.12.370 – Reimbursement – Oversize Mains in its entirety and shall read as follows:

13.12.370 - Reimbursement - Oversize Mains.

Wherever the city requires that a sewer main larger than ten inches in diameter or a storm drain larger than eighteen inches in diameter be installed in order to serve additional property or to conform to the applicable master plan, the applicant may apply for reimbursement from the additional properties that are served by the oversized pipe. The reimbursement shall be based on the difference in cost between the actual pipe to be installed and a ten-inch sewer or eighteen-inch storm drain as applicable. The difference in cost shall be determined by the public works director. The reimbursement shall be made in accordance with Chapter 16.40 [of this code].

<u>SECTION 6.</u> Lodi Municipal Code Title 15 - Buildings and Construction is hereby amended by repealing and re-enacting Chapter 15.64 - Development Impact Mitigation Fees in its entirety and shall read as follows:

15.64.010 Findings and Purpose.

15.64.020 Definitions.

15.64.030 Development Impact Funds.

15.64.040 Payment of Fees.

15.64.050	Adoption of Study, Capital Improvement Program and Fees
15.64.060	Calculation of Fees.
15.64.080	Credit and Reimbursement for Construction of Facilities.
15.64.090	Other Authority.
15.64.100	Findings Regarding Use of Fees.
15.64.110	Fee Exemptions.
15.64.120	Fee Adjustment or Waiver.
15.64.130	Appeal Procedure.
15.64.140	Severability.

### 15.64.010 - Findings and Purpose.

The council finds and declares as follows:

- A. In order to implement the goals of the City of Lodi's general plan and to mitigate the impacts caused by new development in the city, certain public improvements must be or had to be constructed. The city council determines that development impact mitigation fees are needed to finance these public improvements and to pay for new developments' fair share of the construction costs of these improvements. In establishing the fees described in this chapter, the city council finds the fees to be consistent with its general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fees with respect to the city's housing needs as established in the housing element of the general plan.
- B. The purpose of this chapter is to implement the general plan requirements set forth in this subsection and subsection A of this section and to impose mitigation fees to fund the cost of certain facilities, the demand for which is directly or indirectly generated by the type of new development proposed in the general plan, under the authority of:
  - 1. The police power of the city granted under Article XI, Section 7, of the California Constitution:
  - 2. The provisions of the California Environmental Quality Act, Public Resources Code, Section 21000 et seq., which in general requires that all developments mitigate environmental impacts;
  - 3. The provisions of the California Government Code regarding general plans at Section 65300 et seq. including but not limited to the provisions of Government Code Section 65400.
- C. It is further the purpose of this chapter to require that adequate provisions are made for developer-financed facilities and services within the city limits as a condition to the approval of a new development.
- D. Development impact mitigation fees are established on development in the city. Development impact mitigation fees shall consist of separate fees as described in Section 15.64.030 of this chapter. The city council shall, by resolution, set forth the specific amount of the fees; describe the benefit and impact area on which the fee is imposed; refer to the specific improvements to be financed, their estimated cost and reasonable relationship between this fee and the various types of new developments; and set forth time for payment. Adoption of such fee resolutions shall be done in compliance with Government Code Sections 66016 et seq.
- E. The specific improvements to be financed by the fee are described in the City of Lodi Impact Mitigation Fee Program prepared for the city by Harris and Associates, dated August,

2012, a copy of which is on file with the city clerk. The calculation of the fee is based upon the findings in the referenced study.

- F. New development will generate new demand for facilities which must be accommodated by construction of new or expanded facilities. The amount of demand generated and, therefore, the benefit gained, varies according to kind of use. Therefore, a "dwelling unit equivalent" (DUE) factor that quantifies the facilities demand of different land use types in terms of their equivalence to a low density residential unit. A low density residential unit is assigned a DUE factor of 1.0 and the DUE factor for each of the other land use categories is determined based on the anticipated demand for each land use category relative to the anticipated demand for a low density residential unit.
- G. The city has previously approved various development projects which have made significant financial expenditures towards completion, including the payment of the then current development impact mitigation fees; but have not obtained a building permit. The city council finds and declares that such projects should be allowed to proceed without the imposition of new development impact mitigation fees imposed under this chapter.

### 15.64.020 - Definitions.

- A. "Acreage" means the gross acreage for fee calculation purposes of any property within the city general plan area not including the acreage of dedicated street right-of-way existing prior to development, except that the area of new dedicated street right-of-way in excess of thirty-four feet on one side of a street shall not be included in gross acreage.
- B. "Building permit" means the permit issued or required for the construction, improvement or remodeling of any structure pursuant to and as defined by the city building code.
- C. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the costs of land, construction, engineering, administration, and consulting fees.
- D. "Development" or "project" means any of the following:
  - 1. For water, sewer, storm drainage and electric impact fees: any new connection to the city system or increase in service demand;
  - 2. For streets impact fees: any project that increases traffic;
  - 3. For police, fire, parks and recreation, art in public places and general city facilities impact fees: any project generating new or increased service demand.
- E. "Facilities" means those public facilities designated in the City of Lodi Impact Mitigation Fee Program and as subsequently designated by the city council.
- F. "Land use" means the planned use as shown on the general plan land use map.
- G. "Program fee per dwelling unit equivalent" means the total program costs, for a particular category of facility divided by the total number of dwelling unit equivalents and adjusted for price changes up to the year of construction and for the cost of financing, as identified in the city of Lodi development impact fee study or subsequent update for that particular category.

H. "Dwelling Unit Equivalent" (DUE) is the factor that quantifies the facilities demand of different land use types in terms of their equivalence to a low density residential unit. A low density residential unit is assigned a DUE factor of 1.0 and the DUE factor for each of the other land use categories is determined based on the anticipated demand for each land use category relative to the anticipated demand for a low density residential unit.

### 15.64.030 - Development Impact Funds.

- A. The city finance director shall create in the city treasury the following special interestbearing trust funds into which all amounts collected under this chapter shall be deposited:
  - Water facilities:
  - Sewer facilities:
  - 3. Storm drainage facilities;
  - 4. Street improvements;
  - 5. Police facilities:
  - 6. Fire facilities:
  - 7. Parks and recreation facilities;
  - 8. Electrical Utility facilities;
  - 9. General city facilities and program administration;
  - 10. Art in public places.
- B. The fees shall be expended solely to pay the costs of facilities (including interest on interfund loans) or to reimburse developers entitled to reimbursement under this chapter. The funds for the categories listed above shall be kept separate. For purposes of this chapter, they are referred to in aggregate as the "development impact mitigation fee fund."
- C. The city manager shall have the authority to make loans among the development impact fee funds to assure adequate cash flow. Interest shall not be charged on loans within the development impact fee fund.

### 15.64.040 - Payment of Fees

- A. The property owner of any development project causing impacts to public facilities shall pay the appropriate development impact mitigation fee as provided in this chapter. The amount shall be calculated in accordance with this chapter and the program fee as established by council resolution.
- B. When such payment is required by this chapter, no certificate of occupancy shall be approved for property within the city unless the development impact mitigation fees for that property are paid or guaranteed as provided in this chapter.
- C. The fees shall be paid with the approval of a certificate of occupancy or site development permit, except as provided in subsection (E) or (F) of this section.
- D. The fees may not be prepaid unless specified otherwise in a fee payment agreement or development agreement approved by the city council.
- E. Notwithstanding the above, city may collect subsequent increases in impact fees or new impact fees, unless the development project is exempt from fee increases under the terms of a fee payment agreement approved by council, a development agreement approved by council or California law.

15.64.050 - Adoption of Study, Capital Improvement Program and Fees.

- A. The city council adopted the City of Lodi Impact Mitigation Fee Program dated August 15, 2012 and establishes a future capital improvement program consisting of projects shown in said study. The city council shall review that study annually, or more often if it deems it appropriate, and may amend it by resolution at its discretion.
- B. The city council shall include in the city's annual capital improvement program appropriations from the development impact mitigation fee funds for appropriate projects.
- C. Except for facilities approved by the public works director for construction by a property owner under Section 15.64.080 or as shown in the annual capital improvement program, all facilities shall be constructed in accordance with the schedule required by Government Code Section 66001...
- D. The program fee per dwelling unit equivalent (DUE) shall be adopted by resolution and shall be automatically adjusted annually beginning in the year 2020 on January 1st. In the first adjustment year, the adjustment shall change the program fee by the same percentage as the change in the Engineering News Record 20 Cities Construction Cost Index between 2012 and 2019. Thereafter the adjustment, change the program fee by the same percentage as the annual change in the Engineering News Record 20 Cities Construction Cost Index.

### 15.64.060 - Calculation of Fees.

A. The development impact mitigation fees required under Section 15.64.040 are calculated as follows:

$$T = F \times DUE \times U$$

### where:

T = the total mitigation fee for each category of public facility;

F = program fee per dwelling unit equivalent, per 1,000 building square feet, or per gross acre for each category as established by resolution;

DUE = the factor applicable to the use category as set forth in LMC 15.64.060 (C) and (E);and

U = number of residential units; number of 1,000 building square foot units; or number of gross acres; computed to the nearest 0.01 unit

- B. The calculated fees are subject to adjustment per Section 15.64.120 of this code.
- C. The DUE factors for Water and Wastewater are as set forth in the following table.

Meter Size	Water	Wastewater	
	DUE Factor <sup>2</sup>	DUE Factor	
5/8" meter	0.67	0.67	
¾" meter	1.00	1.00	
1" meter	1.67	1.67	
1 ½" meter	3.33	3.33	
2" meter	5.33	5.33	
3" meter	10.00	10.00	
4" meter	16.67	16.67	
6" meter	33.33	33.33	
8" meter	53.33	53.33	
10" meter	76.67	76.67	

D. Electric Fees will be set according to panel size as set forth in the following table:

Electrical Fees				
Fee/Panel				
Panel Size	208 Volte   240 Volte			
Single Phase Panal (Amps)				
60	n/a	\$248	n/a	
100	n/a	\$413	n/a	
125	n/a	\$516	n/a	
200	n/a	\$826	n/a	
400	n/a	\$1,652	n/a	
600	n/a	\$2,478	n/a	

Panel Size	208 Volts	240 Volts	480 Volts	
Three Phase Panal (Amps)				
200	\$1,178	\$1,359	\$2,718	
400	\$2,356	\$2,718	\$5,437	
600	\$3,534	\$4,077	\$8,155	
800	\$4,712	\$5,437	\$10,873	
1,000	\$5,890	n/a	\$13,591	
1,200	\$7,068	n/a	\$16,310	
1,600	\$9,423	n/a	\$21,746	
2,000	\$11,779	n/a	\$27,183	
2,500	\$14,724	n/a	\$33,979	
3,000	\$17,669	n/a	\$40,774	

E. South Wastewater Trunk, Storm, Streets, Police, Fire, Parks and Recreation, General City Facilities and Art in Public Places Fees are established as set forth in the following table:

Land Use Category	Residential			Commercial		
	Low	Medium	High	Retail	Office	Industrial
	Density	Density	Density	DUE/Unit <sup>1</sup>	DUE/Unit <sup>1</sup>	DUE/Unit <sup>1</sup>
	DUE/Unit	DUE/Unit	DUE/Unit			
South Wastewater Trunk	1.00	0.84	0.70	0.93	0.77	0.41
Storm Zone 1	1.00	0.50	0.40	10.50	10.50	11.25
Storm Zone 2	1.00	0.50	0.40	10.50	10.50	11.25
Streets	1.00	0.54	0.54	1.69	1.22	0.62
Police	1.00	0.84	0.70	0.44	0.70	0.23
Fire	1.00	0.84	0.70	0.44	0.70	0.23
Parks	1.00	0.84	0.70	0.10	0.17	0.06
General City Facilities	1.00	0.84	0.70	0.44	0.70	0.23
Art in Public Places	1.00	0.84	0.70	0.44	0.70	0.23

<sup>&</sup>lt;sup>1</sup> From AWWA Manual M6 – Water Meters, 3<sup>rd</sup> Edition, American Water Works Association, 1986.

<sup>&</sup>lt;sup>2</sup> Ratio of rated flow capacity relative to ¾-inch meter.

<sup>1</sup> Storm units are per gross acre and all others are per 1,000 square feet of building space.

### 15.64.080 - Credit and Reimbursement for Construction of Facilities.

- A. Construction of Facilities in Advance of City of Lodi Development Impact Mitigation Fee Program (Fee Program).
- 1. The public works director may direct or authorize the owner to construct certain facilities specified in the City of Lodi Development Impact Mitigation Fee Program (Fee Program), or portions thereof in advance of the Fee Program and as designated in the study, in lieu of all, or a portion of, the fee required by this chapter. The owner is entitled to a credit if the owner: (1) constructs the improvements, (2) finances an improvement by cash or other means approved by the council, or (3) a combination of the above. The credit to be provided to the property owner shall be determined by the public works director based on prevailing construction costs plus ten percent for engineering and administration and shall be approved by the council. The construction of a facility authorized by this section must consist of a usable facility or segment and be approved by the city and constructed in accordance with the city's public improvement design standards. The property owner must post a bond or other security in a form acceptable to the director for the complete performance of the construction before credit is given.
- 2. If the amount of credit is less than the amount of the otherwise applicable fee, the property owner shall pay the amount which, when added to the credit received for the construction of facilities, equals the fee obligation.
- 3. If the amount of credit is greater than the amount of the otherwise applicable development impact mitigation fee, the property owner shall be paid the difference only from the appropriate development impact mitigation fee fund, after the project is accepted by the city.
- 4. If the development impact fee funds responsible for the reimbursement do not have adequate balances to fund the credit, the City and the Developer shall enter into a reimbursement agreement. In addition to its other terms, the agreement shall provide that:
- a. The general fund of the city is not liable for payment of any obligations arising from the agreement;
- b. The credit or taxing power of the city is not pledged for the payment of any obligations arising from the agreement;
- c. The land owner shall not compel the exercise of the city taxing power or the forfeiture of any of its property to satisfy any obligations arising from the agreement;
- d. The obligation arising from the agreement is not a debt of the city, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts or revenues, and is payable only from the fees deposited in the appropriate city development impact mitigation fee fund;
- e. The reimbursable amount shall be increased annually to include an amount attributable to interest. This amount shall be based on the change in the Engineering News Record 20 Cities Construction Cost Index from the January 1st index of the year of construction to the January 1st index of the year of reimbursement.

### 15.64.090 - Other Authority.

This chapter is intended to establish a supplemental method for funding the cost of certain facilities and services, the demand for which will be generated by the level and type of development proposed in the city general plan. The provisions of this chapter shall not be construed to limit the power of the city council to impose any other fees or exactions or to continue to impose existing ones on development within the city, but shall be in addition to any other requirements which the city council is authorized to impose, or has previously imposed, as a condition of approving a plan, rezoning or other entitlement within the city. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to, the city code, public improvement design standards and other applicable documents. Any credits or reimbursements under Section 15.64.080 shall not include the funding, construction, or dedications described in this section.

### 15.64.100 - Findings Regarding Use of Fees.

- A. As required under Government Code Section 66001(d), the city shall make findings once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to identify the purpose to which the fee is to be put and demonstrate a reasonable relationship between the fee and the purpose for which it was charged.
- B. As required under Government Code Section 66001(e), the city shall refund to the current record owner on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be established.

### 15.64.110 - Fee Exemptions.

The following developments are exempt from payment of fees described in this chapter:

- A. City projects;
- B. Projects constructed or financed under this chapter;
- C. Reconstruction of, or residential additions to single-family dwellings, but not including additional dwelling units;
- D. Property which has paid a master storm drain fee pursuant to Resolution 3618 or Ordinance No. 1440 is exempt from payment of the storm drainage impact fee except for changes in land use as described in the fee resolution.
- E. Additional exemption for development projects in progress:
  - 1. A project on a parcel (or portion of a parcel) which has, on the effective date of the ordinance codified in this chapter, received the appropriate development approval, but has not obtained a building permit and has paid appropriate mitigation fees under Resolution 3618 or Ordinance 1440, shall be exempt from imposition of the development impact mitigation fees imposed under this chapter except the sewer lift station area fees.
  - 2. For purposes of this subsection, "appropriate development approval" shall include:

- a. An approved or conditionally approved tentative map;
- b. An approved final subdivision or parcel map;
- c. An approved use permit when no map was required;
- d. An approved public improvement agreement.
- 3. The exemption under this subsection shall not apply to changes in land use, pursuant to subsection D of this section for storm drainage impact fees.
- 4. The exemption under this subsection shall apply on projects which include a change in land use to a more intensive use as defined in this chapter only to the extent that the previously approved land use shall be considered an existing use and the project shall be charged the appropriate incremental increase as provided in this chapter and the fee resolution.

### 15.64.120 - Fee Adjustment or Waiver.

- A. The owner of a project subject to a fee under this chapter may apply to the public works director for an adjustment to or waiver of that fee. The waiver of this fee shall be based on the absence of any reasonable relationship between the impact on public facilities of that development and either the amount of fee charged or the type of facilities to be financed.
- B. The application for adjustment or waiver shall be made in writing and filed with the city clerk no later than ten days after formal notification of the fee to be charged. The application shall state in detail the factual basis and legal theory for the claim of adjustment or waiver.
- C. It is the intent of this chapter that:
  - 1. The land use categories are based on general plan designations which are an average of a wide range of specific land uses; thus substantial variation must be shown in order to justify a fee adjustment;
  - 2. The public works director may calculate a fee and/or require additional improvements where the service demand of a particular land use exceeds the standards shown in the definitions or used in determining the improvements needed under the fee program;
  - 3. The fee categories shall be considered individually; thus it may occur that a fee adjustment or waiver is made in one category and not another; and
  - 4. Where improvements providing capacity for the subject parcel have already been constructed, a downward adjustment of the fee is not appropriate.
- D. The public works director shall consider the application at an informal hearing held within sixty days after the filing of the fee adjustment or waiver application. The decision of the public works director is appealable pursuant to Section 15.64.130.
- E. The applicant bears the burden of proof in presenting substantial evidence to support the application. The public works director shall consider the following factors in its determination whether or not to approve a fee adjustment or waiver:
  - 1. The factors identified in Section 66001:
    - a. The purpose and proposed uses of the fee,

- b. The type of development,
- c. The relationship between the fee's use and type of development,
- d. The need for improvements and the type of development, and
- e. The amount of the fee and the portion of it attributable to the development; and
- 2. The substance and nature of the evidence including the development impact fee study and the applicant's technical data supporting its request. The applicant must present comparable technical information to show that the fee is inappropriate for the particular development.

### 15.64.130 - Appeal Procedure

- A. The public works director is responsible for administering, collecting, crediting, adjusting, and refunding development fees. A decision by the public works director regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first seek an appeal under this section.
- B A person appealing a decision under this chapter shall file a request with the public works director who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the public works director being appealed.
- C. The public works director shall notify the city manager of the appeal. The city manager shall set the matter for hearing before the city council and notify the person appealing in writing of the time and place.
- D. The city council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The council shall consider all relevant evidence presented by the appellant, the public works director or other interested party.
- E. The decision of the city council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5.
- F. The city adopts the Code of Civil Procedure, Section 1094.5, for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than the ninetieth day following the date on which the decision of the hearing officer becomes final.

### 15.64.140 - Severability.

If any provision or clause of the ordinance codified in this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of the ordinance codified in this chapter are declared to be severable.

<u>SECTION 7.</u> Lodi Municipal Code Chapter 16.24 – Improvements - is hereby amended by repealing and re-enacting Section 16.24.040 – Streets - in its entirety and shall read as follows:

16.24.040 - Streets.

- A. The subdivider shall dedicate and improve all streets, including curbs, gutters, sidewalks and street pavement in accordance with adopted city policies.
- B. If street improvements exist that do not meet existing city standards or are inadequate or a hazard to the general public, then these improvements shall be reconstructed to current city standards.
- C. The subdivider or developer shall be reimbursed for excess width street construction and right-of-way or for construction or permanent improvements which front adjacent property. Reimbursement shall be made by private reimbursement agreement in accordance with Chapter 16.40. For purposes of this section excess width streets are defined as:
  - 1. New streets over sixty-eight feet in width;
  - 2. Widenings of existing street in excess of one half of the adjacent side of the right of way.

<u>SECTION 8.</u> Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction - is hereby amended by repealing and re-enacting Section 16.40.010 – Findings and Purpose; and Section 16.40.020 – Improvements to be Reimbursed - in their entirety and shall read as follows:

16.40.010 - Findings and Purpose.

The council hereby finds and declares as follows:

- A. Construction of new streets and water, sewer and storm drains often benefits other properties. Such benefit may occur through the provision of supplemental capacity (oversize lines) or installations across or opposite unserved property which would be required to make such improvements upon development or service connection.
- B. The State of California, in Government Code Sections 66485 through 66489 requires that the city either pay for or enter into an agreement to reimburse the installing party, including an amount attributable to interest for such installations. To pay the costs as required by the reimbursement agreement, the city may collect funds from the other properties which benefit from such installations.
- C. The city has adopted a development impact mitigation fee ordinance (Chapter 15.64) which provides for reimbursement and collection of funds from the benefiting parcels under only a portion of the circumstances described in subsection A of this section.
- D. The purpose of that chapter is to identify the improvements which are reimbursable under the development impact mitigation fee program and to provide a uniform reimbursement procedure for the cost of improvements which are to be reimbursed from other properties. For purposes of this chapter, "applicant" means the owner of the property for which the improvements are being installed or are required to be installed per the city code.

16.40.020 - Improvements to be Reimbursed.

A. The cost of the following improvements shall be reimbursed from the benefiting parcels. The terms of the reimbursement shall be in accordance with Chapter 15.64:

- Oversize water mains and major crossings required per Chapter 13.08.
- 2. Oversize sewers and storm drains required per Chapter 13.12
- 3. Excess width street construction and right-of-way required per Chapters 15.44 and 16.24.
- B. The cost of other improvements which benefit other property or would be required of that property upon development, shall be reimbursed in accordance with this chapter.

<u>SECTION 9.</u> All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

<u>SECTION 10.</u> No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the city, or any officer or employee thereof, a mandatory duty of care toward persons or property within the city or outside of the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

<u>SECTION 11.</u> Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

<u>SECTION 12.</u> This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

Approved this day of	, 2013
ALAN NAKANISHI Mayor	
	ALAN NAKANISHI

State of California County of San Joaquin, ss. I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held February 6, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2013, by the following vote: AYES: COUNCIL MEMBERS -NOES; COUNCIL MEMBERS -ABSENT: COUNCIL MEMBERS -ABSTAIN: COUNCIL MEMBERS -I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law. RANDI JOHL City Clerk Approved as to Form: D. STEPHEN SCHWABAUER City Attorney